



THE CONSTITUTIONALITY OF PRESIDENTIAL AUTHORITY IN PAUSING USG’S MEMBERSHIP TO ASSOCIATION OF BIG TEN STUDENTS

March 25, 2025

Introduction

This advisory opinion is issued by the Student Judicial Court (SJC) of the Undergraduate Student Government (USG) at the University of Iowa in response to two formal requests concerning the constitutionality of the President’s decision to pause USG’s membership with the Association of Big Ten Students (ABTS) and whether the Senate needs to ratify that decision. The Court seeks to provide a comprehensive, constitutionally grounded interpretation of USG’s governing documents to ensure procedural integrity, uphold the separation of powers, and clarify the appropriate legislative and executive roles in decisions impacting external agreements.¹

Background

SJC received two requests on Tuesday, Feb 25, 2025, at 10:26 PM and at 11:33 PM, respectively, seeking a review of the constitutionality of actions taken by President Eckard to pause engagement with ABTS without prior approval from the USG Senate. Additionally, these requests raised concerns regarding the potential conflict between the pause of USG’s membership in ABTS and the USG Bylaws, which mandate collaboration between certain USG roles and ABTS across various capacities. The requests further sought clarification on whether the letter issued regarding these actions was sent on behalf of USG as a whole or solely as communication from President Eckard and Vice President Ramirez.

Issue Presented

The issue presented is whether President Eckard had the constitutional authority to unilaterally pause USG’s engagement with the Association of Big Ten Students (ABTS) without Senate approval, and whether such decisions align with the USG Constitution and Bylaws. Additionally,

¹ This decision reflects an internal interpretation of USG’s governing documents and does not carry legal authority beyond the student government structure. The Student Judicial Court functions as a constitutional review body within USG, not a court of law.

the issue examines the process through which this decision was communicated, including whether the shift from an Executive Order to an informal announcement was a means to circumvent legislative oversight and prevent Senate input.

Analysis and Findings

A. SJC's Authority to Adjudicate This Matter

SJC possesses the constitutional authority and responsibility to interpret and apply the governing documents of USG. This authority is not implied or assumed—it is expressly conferred by the USG Constitution, reflecting the Court's role as the final arbiter in matters of constitutional interpretation and organizational accountability.

Article IV, Section A of the USG Constitution establishes this foundational power:

"All judicial powers of USG shall be vested in the Student Judicial Court (SJC)."

This language is unequivocal. The phrase "all judicial powers" signals that SJC holds exclusive jurisdiction over constitutional disputes within USG. No other body within the student government possesses parallel or competing interpretive authority. SJC is not merely empowered to weigh in on constitutional matters, it is obligated to do so when disputes arise that require constitutional clarification or procedural judgment.

Further, Article IV, Section B of the USG Constitution delineates the specific responsibilities entrusted to the Court, including:

"Interpretation of the USG Constitution, its Bylaws, and any amendments hereto,"

and,

"Interpretation of the constitutionality of the actions of Associations, Commissions, Student Organizations, Committees, or Officers of USG."

This mandate is both broad and precise. The Constitution recognizes that student governance, while reflective of democratic ideals, operates within a complex web of organizations, leaders, and interests. SJC serves as the stabilizing force within this framework, ensuring that no entity—be it the Senate, Executive, or any other body—acts beyond its constitutionally defined scope. The Court's duty is to evaluate not just the constitutionality of individual actions, but also the broader constitutional implications those actions may have on the structure and balance of student governance. To argue that SJC should abstain from addressing certain matters would, paradoxically, require SJC to abandon its core constitutional duty.

The Preamble of the USG Constitution further reinforces this notion, framing USG as a government built on "open, honest communication and collaboration between itself and the constituents it represents..." This statement reflects a commitment to balance and accountability, principles that cannot endure if one branch operates without checks.

Some may argue that SJC's involvement infringes on the autonomy of other branches. However, this overlooks a vital point: autonomy without accountability leads to imbalance. The branches are designed to be interdependent in purpose while remaining distinct in function. SJC's oversight is not a disruption of this balance—it preserves it. When the Legislative or Executive Branches make decisions that raise constitutional concerns, SJC's intervention is not an intrusion but a safeguard to restore equilibrium.

It is SJC's necessary response to ensure that such decisions remain accountable to the democratic structures established within USG. This is not merely about the validity of one letter; it is about preserving the constitutional balance of powers that ensures no branch operates unilaterally in matters that affect the student body at large.

B. The President's Authority to Pause Engagement and Funding

The USG Constitution outlines the distribution of powers between the Executive and Legislative Branches, making it clear that while the President may initiate external agreements, the ultimate authority over their ratification and modification rests with the Senate.

Under the USG Constitution, Article III, Section C, Sub-Section 4:

"The President shall have the power to negotiate all contracts and agreements between USG and other entities."

This language undeniably empowers the President to initiate, facilitate, and engage in discussions that establish USG's relationships with external organizations. However, this provision cannot reasonably be read as a unilateral grant of authority to pause those same agreements without legislative oversight.

Critically, the term "negotiate" does not equate to "terminate" or "pause." According to Merriam-Webster, negotiation is:

"The action or process of negotiating, or the act of conferring with another to arrive at a settlement."

A literal interpretation of "negotiate" might suggest that the President possesses boundless flexibility to manage these relationships. However, such a reading creates irreconcilable contradictions within USG's constitutional structure. If the President holds exclusive power over agreements, including their pausation, the Senate's legislative authority to oversee USG's external

commitments, an authority grounded in the Constitution and Bylaws, becomes functionally meaningless.

The harmonious-reading canon², a longstanding principle of constitutional interpretation, requires that provisions be read in a manner that preserves the functionality of the entire document. Thus, the President's power to negotiate must be harmonized with the Senate's legislative authority. Negotiation pertains to the formation and maintenance of agreements, not their pausation or termination. To adjudge otherwise would render the Senate's oversight role hollow, undermining the Constitution's careful balance of powers.

Further, the decision to step back from ABTS was also not presented as a negotiation, but as a declaration. The FAQ letter³ sent by President Eckard on February 25th, 2025, itself admits, "*We feel that by openly taking a step back versus 'quiet quitting,' we put pressure on the institution to acknowledge its need for change.*" The plain meaning of "negotiate" is far removed from the finality and cessation implied by the President's action. *Negotiation* is fundamentally about dialogue and settlement; what transpired here was a definitive statement of pausation, not a continuation of engagement through conversation. The absence of dialogue with the Senate before taking such a step further strengthens the argument that this action was a pausation, not a negotiation.

The approach of stepping back entirely, rather than phasing out, further confirms this intent in the FAQ letter:

"Other Universities do not participate in ABTS. These Universities 'quiet quit' and left without having a document declaring why. We felt that this action does not change the institution... Additionally, we believe that this was the only way to have our step back acknowledged."

This was not a strategic pausation subject to Senate review or legislative oversight, but a final, non-negotiable position taken for USG as a whole without Senate consent. Such an action, by definition, falls outside the constitutional bounds of the President's authority to negotiate agreements, because it was not a negotiation approved by the Senate.

Under the USG Constitution, Article II, Section C, Sub-Section 3:

"The Student Senate shall have the power to ratify all contracts and agreements negotiated by the President."

² See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 180 (2012)

³ See ABTS FAQ letter, emailed to USG members by President Addison Eckard on Tuesday, February 25, 2025, at 9:19 PM. This document is not publicly available but was distributed internally to USG members. See Appendix C, *infra*.

The text of these provisions also makes it constitutionally untenable to argue that the President can solely pause USG's engagement with ABTS. If the President must seek Senate approval to finalize external agreements, it logically follows that the same legislative body must be involved in decisions to modify, withdraw, or pause participation in such an agreement. Any interpretation to the contrary would render the Senate's ratification authority meaningless: a direct violation of the harmonious-reading canon.

The use of "ratifying" according to Merriam-Webster is:

"The act or process of ratifying something (such as a treaty or amendment): formal confirmation or sanction."

This definition underscores the importance of formal action, something absent in the President's decision. To add on, the President's characterization of this action as a "pause" is a distinction without a difference. A halt in engagement, particularly one communicated as indefinite within the Eckard/Ramirez Administration, achieves the same practical outcome as withdrawal: it severs USG's participation and prevents its officers from fulfilling their mandated roles within ABTS. A constitutional analysis must assess the effect of the action, not the label assigned to it. The President's argument, while rhetorically convenient, fails to obscure the reality that this decision altered USG's external commitments in a manner indistinguishable from withdrawal.

The Court finds that ABTS membership constitutes an external agreement under the purview of these provisions. The President's decision to pause engagement materially alters USG's relationship with ABTS and restricts USG's participation in ABTS programming. As such, this decision is not merely an internal executive matter but one that impacts the broader governance of USG, necessitating Senate review.

C. Public Statements and Executive Actions: A Distinction in Authority and Scope

Another counterargument raised in defense of the informal nature of the decision is that public statements authored by Executive Leadership on behalf of USG are protected under the USG Bylaws. According to this view, public statements, including letters to external organizations, are an integral part of the President's role in representing USG and engaging in advocacy. Such statements, while formal in tone, do not necessarily require legislative approval, as they are seen as part of the Executive's responsibility to manage relationships with external bodies.

Under Article III, Section D, Sub-Section 2(a)(vi) of the USG Bylaws, it is stipulated that:

"The Vice President shall work in conjunction with the External Chief of Staff to initiate formal public statements on behalf of USG."

Additionally, under Article III, Section D, Sub-Section 3(i)(ii)(5):

“The External Chief of Staff shall work in conjunction with the Vice President to initiate formal public statements on behalf of USG.”

This duty is specifically tied to public communication and advocacy, which are part of the Vice President’s scope of work. Additionally, the Vice President's role focuses on maintaining external relations and ensuring that USG’s positions are represented to outside organizations in an official capacity.

While this responsibility is clear for the Vice President and External Chief of Staff, the President’s role, as outlined in the Bylaws, is less defined when it comes to initiating public statements. Under Article III, Section D, Sub-Section 1(a) of the USG Bylaws:

“a) Duties

- i. President shall be the official representative of the undergraduate student body.
- ii. The President shall work with the Vice President and the Chief(s) of Staff to select cabinet members.
- iii. The President shall address Senate every session on the state of the student body and on their prioritized initiatives at the annual joint meeting with GPSG, Staff Council, and Faculty Senate.”

The President’s role as the "official representative" implies the authority to engage with external entities, communicate USG’s stance, and advocate for student interests. This representation, however, does not equate to unilateral decision-making power over USG’s operational and external commitments. Judicially speaking, representation is a power of voice, not a power of action.

Despite this, both the President and the Vice President retain the ability to issue public statements, including advocacy on various issues or events. Public statements remain an important tool for communicating USG's stance on relevant issues, fostering transparency, and facilitating external relations. These statements, however, should not extend into executive decision-making territory where they materially alter USG’s policies, commitments, or external standing without review. For example, public statements such as those made about campus issues or student body concerns do not bind USG to any formal policy changes and do not require formal review. These are typically communications that inform or advocate for changes in a broad, non-binding sense, for example:

- “On the closure of the Office of Access, Opportunity, and Diversity” (March 13th, 2025 on @uiowastudentgov Instagram)
- “A message to the student community” regarding the discontinuation of the cultural Living Learning Communities (February 24th, 2025 on @uiowastudentgov Instagram)

- Board of Regents Letter on the termination of the Social Justice and American Studies Majors (March 10, 2025 on USG SharePoint)

To add on, the Board of Regents (BOR) letter, while impactful, functioned as an advocacy statement—an exercise of the President’s representative voice—rather than an administrative directive that altered USG’s standing with the BOR or any other institution.

However, the letter to ABTS is distinct in its nature. While it may have the tone of a public statement, its content reaches far beyond simple advocacy. The letter calls to "pause all and any engagement" with ABTS, addresses financial and organizational concerns, and outlines a plan for limiting USG’s future involvement. These actions affect the strategic direction of USG, its relationships with external organizations, and its obligations to future commitments. Such decisions cannot be equated with a public statement. The letter’s content makes it clear that this is not a statement of position or advocacy; it is a directive that influences USG’s operational and relational choices.

The argument that any restriction on the ABTS letter would violate President Eckard’s and Vice President Ramirez’s personal free speech protections overlooks a crucial distinction upheld in *Garcetti v. Ceballos*⁴. The Court ruled that when public officials speak in their official capacity—rather than as private citizens—their speech is subject to institutional oversight to ensure accountability and proper functioning⁵. In this context, the letter to ABTS was not a personal statement of belief but an official declaration made on behalf of USG, outlining a shift in institutional engagement. This goes beyond protected individual speech and enters the realm of executive action, affecting USG’s external relationships and financial commitments.

While the Court recognizes that President Eckard and Vice-President Ramirez are not federal employees, the ruling in *Garcetti v. Ceballos* applies to all public employees at the federal, state, and local levels. Paid members of USG are considered public state employees because they are employed by a state institution, hence, the ruling of *Garcetti v. Ceballos* applies. The ruling established that when public employees make statements pursuant to their official duties, they are not speaking as citizens, and therefore their speech is not protected from institutional restrictions placed on their speech.

This divergence from typical public statements raises significant concerns about the balance of power between the Executive and Legislative Branches. While the President and Vice President can issue statements that reflect USG’s stance or communicate on behalf of the student body, they do not have the authority to implement substantial changes to USG’s external commitments without following the proper procedural steps, including consultation with the Legislative Branch.

⁴ *Garcetti v. Ceballos*, 547 U.S. 410 (2006)

⁵ *Id.* at 421 — The Court emphasized that "when public employees make statements in the course of their official duties, the Constitution does not insulate their communications from employer discipline."

The President raised a valid concern: that restricting the ability to issue letters could undermine their role or cast doubt on routine correspondences. This fear stems from conflating two different types of communication:

1. Advocacy communications, such as public statements or letters expressing USG’s stance, encouraging action, or supporting students, like the BOR letter, remain within the President’s authority as they serve as expressions of USG’s voice rather than binding decisions. In contrast, directive communications, which include letters that materially affect USG’s external relationships, or strategic partnerships, like the ABTS letter, require legislative review because they do more than express a position.
2. Ensuring procedural compliance does not hinder the President’s leadership—it protects it. By adhering to procedural norms, the President safeguards their own credibility and shields USG from accusations of overreach, which could delegitimize future actions. The significance of the President’s role necessitates that their actions align with institutional processes.

The court’s responsibility is to ensure that current decisions align with constitutional principles, **not** personal interpretations of authority. The President’s ability to represent the student body remains intact, but this representation cannot extend exclusively into executive policymaking that binds USG to a new course of action without legislative consent.

D. Implications of ABTS Membership Requirements

Notably, ABTS’s own governing procedures⁶ require member delegations to ratify withdrawal through a formal statement submitted to the Executive Director of ABTS. Article I of the ABTS Bylaws has been attached as an appendix to our opinion.

“Section 2. Termination of Membership

- A. Membership of a delegation to the ABTS may be terminated by:
 - a. Ratifying a statement withdrawing membership from ABTS and submitting the ratified statement to the Executive Director.
 - b. Failure to either participate in or attend three (3) consecutive Conferences.
 - c. If this is the case, the ABTS Executive Board will first vote on whether to put the Member University up for removal from the delegation body in which a 2/3 vote would be needed to pass.
 - d. Failure to pay outstanding Conference fees from prior Conferences will result in temporary suspension from the Association of Big Ten

⁶ See also ABTS Bylaws (Revised Fall 2024). Because these bylaws have not been published to the ABTS or USG website or any other readily available location, we have attached them as an appendix. See Appendix A, *infra*.

Students which includes being prohibited from attending conferences or events.”

Iowa remains listed⁷ as an ABTS member and is therefore bound by these governing procedures, which require formal ratification for withdrawal.

The ABTS Bylaws also draw a clear distinction between *membership* and *engaged membership*, with the latter affording privileges such as nominating students for leadership positions and participating in non-conference events. However, the ABTS Bylaws’ termination clause under Section 2 presents a nuanced interpretation of what sustained non-engagement entails — and this distinction carries significant constitutional implications for USG’s governance:

"b. Failure to either participate in or attend three (3) consecutive Conferences."

The letter from the Eckard/Ramirez administration, stating, “*we have decided to pause all engagement with the organization moving forward,*” sets USG on a trajectory toward forfeiting engaged membership status and potentially full membership altogether. While the administration may argue that this action merely reduces involvement, the practical consequence of missing three consecutive conferences—as explicitly stated in the ABTS Bylaws—triggers a membership review, subject to a 2/3 vote by the ABTS Executive Board. This is not a hypothetical risk but an established procedural reality.

Moreover, the assertion that several schools (e.g., Northwestern, UCLA, USC, and UIUC according to External COS Jack Carrell) have failed to meet these same engagement requirements yet retain membership complicates the matter. The fact that these schools remain listed as members—despite technically meeting the criteria for removal—reflects a systemic issue within ABTS enforcement. However, this inconsistency does not nullify the bylaw’s existence or its potential application to USG. In judicial reasoning, inconsistent enforcement of a rule does not render that rule void; it instead highlights the need for clarity and procedural fairness in its application. USG cannot rely on past non-enforcement as a safeguard against potential action, particularly when the language of the bylaws remains unambiguous in its wording.

While the ABTS Bylaws’ inconsistent enforcement complicates the immediate practical risk to USG’s membership status, this Court must prioritize procedural integrity over speculative outcomes. The Executive’s decision to disengage, coupled with the bylaw’s explicit consequence of missing three consecutive conferences, amounts to an effective restructuring of USG’s external commitments—an action that requires Senate ratification. Furthermore, any attempt to influence future administrations’ engagement decisions without their input, no matter how gently worded, stands in conflict with constitutional principles of administrative autonomy and the separation of powers. Meaning, though this letter expires at the end of the Eckard/Ramirez administration,

⁷ See Appendix A, *infra*.

encouraging the next administration to follow suit and extend the “pause” would put USG in a position to be reviewed by ABTS due to lack of attendance which may lead to a constitutional conflict.

E. Conflict with Existing Bylaws Mandating Engagement with ABTS

Beyond constitutional concerns, the President’s decision directly conflicts with USG Bylaws that mandate engagement with ABTS. The Bylaws specifically designate ABTS-related responsibilities to executive officers, making USG participation an institutional obligation rather than a discretionary policy choice.

Under Article III, Section D, Subsection 3(i)(ii)(2) of the USG Bylaws:

“The External Chief of Staff shall serve as USG’s liaison officer to the Association of Big Ten Students (ABTS).”

Additionally, under Article III, Section D, Subsection 13(d):

“The Director of Governmental Relations shall work with the Chiefs of Staff in the planning of USG’s schedule for the ABTS Big Ten on the Hill (BTOTH) Conference.”

The External Chief of Staff’s role, as outlined in the Bylaws, includes serving as USG’s designated liaison to ABTS. Likewise, the Director of Governmental Relations is required to assist in planning USG’s participation in ABTS’s Big Ten on the Hill Conference. The court recognizes that the Big Ten on the Hill Conference (BTOTH) has already taken place during this administration, and the Director of Governmental Relations role, as defined in the bylaws, has been fulfilled. On the contrary, the External Chief of Staff’s role to serve as a liaison to ABTS is still an active requirement that must be adhered to. These provisions establish a structural commitment to ABTS that cannot be unilaterally overridden by executive action. By pausing engagement between the Executive Branch and ABTS, the President has effectively rendered these statutory duties unenforceable. This in turn creates a direct inconsistency between executive action and the governing documents. If future administrations want to continue with diminished involvement with ABTS, the Legislative Branch will have to modify the Bylaws to ensure that the respective positions in the Executive Cabinet do not violate their assigned duties.

The President’s claim that their decision to pause engagement is temporary and that the next administration can rejoin ABTS without the need for modifying the Bylaws suggests a view that the legislative process to amend the Bylaws is unnecessary, because the disruption is brief. However, this overlooks the principle that the governing documents must be followed until it is amended. While the next administration may choose to reengage with ABTS, that decision does not absolve the current administration from the requirement to comply with the current Bylaws.

Additionally, the argument that it is just a pausation does not address the fundamental issue that the USG Bylaws are designed to bind the Executive Branch to specific duties. The Bylaws do not provide for any exceptions regarding the timing or duration of engagement with ABTS. While the President might argue that this is a short-term action that is "temporary" and would not permanently impact USG's relationship with ABTS, the mere fact of halting engagement violates the standing commitment outlined in the Bylaws.

The claim that this decision affects the Executive Branch alone is also inconsistent with the responses made by President Eckard in the FAQ letter issued on February 25th, 2025:

“Is this taking away opportunities for senators? We do realize that all members of USG will miss out on the opportunity to go to ABTS conferences. However, all other opportunities that USG senators benefit from will still be available like Shared Governance Session, Town Hall, Inauguration, Board of Regents visits, Alumni Senate, and USG Caucus Day. The experience of being a senator will generally remain the same, because currently, many senators do not get to attend conferences or interact with ABTS but, we have planned for senators to get the chance to advocate federally in future visits to D.C.”

While some senators may not have previously participated in ABTS, the decision to pause USG's involvement with ABTS impacts the structure and priorities of the organization as a whole. The Bylaws, as previously mentioned, mandate specific engagement with ABTS, making it an institutional commitment that affects all branches, not just the Executive. The pausing of this commitment disrupts the collaborative, institutional nature of USG's representation and diminishes the legitimacy of the entire organization's engagement with ABTS. Therefore, this decision cannot be framed as a mere executive prerogative with limited or no consequences for other branches of USG.

In constitutional interpretation, conflicting provisions within an organization's framework must be resolved through amendment or repeal of the relevant statutes. The President's decision to step back from ABTS without formally amending the Bylaws places executive discretion in direct conflict with statutory mandates. This Court finds that such a conflict cannot be resolved through executive fiat alone and instead requires a legislative process to address the inconsistency.

F. Procedural Integrity and Legislative Oversight

Another concern raised in the advisory request pertains to the procedural integrity of the decision-making process.

By issuing an informal statement, the President effectively bypassed the Senate's ability to exercise its constitutional authority. Unlike an executive order, which would have been subject to Senate override, an informal declaration provided no such recourse, preventing legislative input on a decision that directly impacts USG external representation. As evidenced in the inquiry about

using a letter instead of an executive order, the FAQ document sent by President Eckard on February 25th, 2025, states:

“The goal of this letter is to place pressure on the future ABTS Executive Board to listen to universities’ criticism and create an environment where student advocacy can thrive. This document also provides historical context for future administrations for why this decision was made. A letter was picked instead of an Executive Order to remain respectful of the current Executive Board. We have prioritized relationships in every step of this decision and plan to continue doing so.”

While this approach may have been driven by a desire for respectful collaboration, it undermines legislative oversight by avoiding the formal review channels. The FAQ further states that the goal of the letter was “*to place pressure on the future ABTS Executive Board to listen to universities’ criticism and create an environment where student advocacy can thrive,*” revealing the informal, and improper, nature of this decision-making process. Such a statement, although strategic, was not a substitute for a formal executive action that would have ensured transparency and institutional checks.

The FAQ letter also states:

“Executive leadership has discussed this decision with the USG advisors Bill Nelson and Angela Ibrahim-Olin, President Wilson and her Chiefs of Staff, Provost Kevin Kregel, VP of Student Life Sarah Hansen, Assistant VP of Student Life Angie Reems, and Executive Director of Federal Relations Leanne Hotek. Past USG presidents and executive leadership were also consulted. This was not a decision that was made lightly.”

However, nowhere does it mention formal Senate deliberation **prior** to the decision. The Senate, as representatives of the student body, was denied its legislative oversight role. In the context of USG governance, where formal legislative review and deliberation are required, this procedural bypass undermines the necessary transparency and accountability that is fundamental to ensuring trust in the system.

While it is true that the Legislative Branch has the ability to counteract the actions of the Executive, this argument cannot serve to justify improper or unconstitutional Executive conduct in the first place. The role of the Court is not to wait for legislative action to correct overreach but to act as a safeguard, ensuring that the branches of government operate within their constitutionally defined limits from the outset.

Furthermore, it is crucial to recognize that the claim that the Legislative Branch can simply "pass a resolution" to counteract the Executive's actions fails to address the immediate consequences of the Executive's actions. By the time the Legislature drafts, debates, and votes on a counter-resolution, the damage to USG’s external standing may have already been done.

In cases such as *Marbury v. Madison*⁸, the Supreme Court underscored the judiciary’s role in reviewing the actions of the other branches to ensure that they remain within constitutional bounds. A judicial review of actions taken by the Executive ensures that power is not exercised arbitrarily or without the necessary constitutional scrutiny. The argument that the Legislative Branch can later “fix” the President’s actions miss the point: checks and balances are preventative, not reactionary.

This deviation from established procedural norms not only circumvents legislative oversight but also sets a dangerous precedent. If permitted, future executives could replicate this approach to unilaterally modify or pause any USG agreement, sidestepping constitutional processes simply by labeling their actions as public statements or negotiations. The Court cannot and will not endorse a tactic that undermines the integrity of USG’s constitutional structure.

Given the lack of precedent for such an action and the deviation from established procedures, this Court finds that the decision to informally pause engagement with ABTS was procedurally improper. Executive actions of this magnitude must be executed within recognized governance frameworks to ensure transparency, oversight, and adherence to constitutional principles. Future executive decisions regarding external commitments should follow proper procedural channels, ensuring the Legislative Branch retains its rightful role in governance.

G. Organizational Representation and Executive Authority

The argument that the ABTS letter does not represent USG as an organization is structurally unfounded. While President Eckard and Vice President Ramirez intentionally distanced the letter from USG’s broader identity by using “The Office of the President” header instead of the standard USG logo, the content and framing of the letter itself—alongside USG’s governing documents—demonstrate that the letter undeniably conveys the organization’s stance.

First, the letter to the ABTS Executive Board explicitly states on the first line,

“**The University of Iowa Undergraduate Student Government** would like to thank you for your service this year, recognizing that it has been a particularly challenging time for student leaders.”

This opening sentence clearly frames the letter as coming from USG, not merely from its President and Vice President as individuals. The phrase “we have attended most meetings and all conferences, had a member on the Executive Board, and hosted the Fall 2024 Conference” further reinforces this by describing USG’s institutional engagement with ABTS over the year—a history that belongs to the organization, not solely to the executive officers.

Additionally, the letter’s closing remarks:

⁸ *Marbury v. Madison*, 5 U.S. 137 (1803).

“Our hope is that future ABTS leadership is open to engaging in meaningful discussions with future University of Iowa USG administrations to strengthen and revitalize the organization.”

This provision makes clear that the letter speaks on behalf of not just the current administration, but USG’s institutional presence moving forward. The phrase "future University of Iowa USG administrations" implies an ongoing organizational stance rather than a temporary, personal one.

To argue that the letter does not represent USG because it lacks a specific logo, or header is to misinterpret the nature of organizational representation. Content, intent, and authority, not aesthetics, define whether a communication reflects an institution’s stance. In this case, the letter’s structure, language, and references to USG’s ongoing role in ABTS all point to it being an organizational position, not a personal one.

Conclusion

This Court concludes that the President’s unilateral decision to pause engagement with ABTS violates the USG Constitution and Bylaws. The President’s authority to negotiate external agreements does not extend to unilateral modification or withdrawal without Senate ratification. Additionally, existing Bylaws mandate engagement with ABTS, and the President’s action unlawfully overrides these provisions without the required legislative amendment.

At the core of this opinion lies a fundamental question of balance: between executive efficiency and legislative oversight, between the authority of the current administration and the autonomy of future ones, and between USG’s internal governance and its external responsibilities. The Constitution’s requirement for Senate ratification is not a bureaucratic formality—it is a deliberate safeguard to prevent unilateral decisions that reshape USG’s commitments without representative input.

The Constitution vests the power to negotiate agreements with the President, but that power does not include the authority to pause or fundamentally alter those agreements unilaterally. Such actions require Senate approval to ensure they reflect the collective will of USG, not the preferences of a single branch.

The procedural approach taken by the President compounds the constitutional violation. By opting for an informal announcement rather than an executive order or Senate legislation, the President bypassed essential governance processes. This deviation undermines transparency, accountability, and the checks and balances that preserve the separation of powers within USG. Such a precedent, if left uncorrected, invites future executives to circumvent legislative oversight, endangering the integrity of USG’s decision-making structure.

This Court’s role is not to evaluate ABTS’s effectiveness or the merits of continued membership—**those are policy questions for the Senate and Executive Branch to debate**. Our responsibility is to ensure that decisions are made constitutionally and with proper procedural adherence. In this case, they were not.

For USG to maintain credibility, both within the university and among external partners, it must uphold the constitutional checks and balances that govern its actions. The Court urges immediate corrective measures to restore compliance with USG’s governing documents. This action must reaffirm that no branch holds unchecked authority.

Recommendations

Considering the foregoing analysis, the Court offers the following recommendations to ensure procedural integrity, maintain balanced governance, and uphold the principles set forth in USG’s governing documents.

The USG Bylaws clearly state that the President and Senate must collaborate in negotiating and ratifying contracts and agreements with external entities. However, no formal process exists for withdrawal, dissolution, pausation or separation from these agreements. To prevent unilateral executive action and safeguard the balance of power, the Senate should consider amending the governing documents to require a formal Senate vote before USG may modify participation from external organizations.

1. **Ensure Cross-Branch Involvement in Time-Sensitive Decisions:** Time-sensitive decisions affecting external commitments or organizational representation must include immediate communication with the Legislative Branch. While the Executive Branch must act efficiently, transparency and constitutional procedure remain paramount to prevent unilateral actions from setting dangerous precedents.
2. **Align USG Bylaws with Institutional Commitments:** The USG Bylaws should be reviewed to ensure they accurately reflect USG’s current external commitments and structural responsibilities. If USG determines that continued engagement with ABTS or other organizations is no longer viable or beneficial, amendments to these bylaws should precede any action to pause engagement—not follow it. This approach ensures compliance with existing governance structures and prevents executive actions from rendering statutory duties unenforceable.
3. **Clarify the Scope of Administrative vs. Policy Decisions:** The Court recognizes the Executive Branch’s authority over administrative functions. However, decisions that alter USG’s external affiliations or long-term organizational commitments require Senate ratification. Any action that impacts USG’s role in external partnerships transcends administrative boundaries and becomes a policy matter, subject to cross-branch oversight.
4. **Preserve Future Administrative Autonomy:** Transition guides should provide context and historical insight without binding or coercing future administrations. Each newly elected leadership team should inherit the freedom to evaluate memberships and external

partnerships independently, without undue influence from outgoing leadership. This ensures the integrity of each administration’s decision-making power.

5. **Formalize External Partnership Reevaluation Procedures:** Any reevaluation of USG’s membership or involvement in external organizations, such as ABTS, must involve open, documented discussions between the Executive Branch, Legislative Branch, and the appropriate external leadership. This process ensures transparency and reinforces that membership decisions reflect student-elected representation, not unilateral executive action.
6. **Protect Budgetary Oversight:** The Court acknowledges the Executive Branch’s responsibility to exercise fiscal prudence. However, any redirection or suspension of previously allocated funds — including the \$11,500 ABTS/Governmental Relations budget for FY2025 — requires Senate approval. The budgeting process, determined annually by the Legislative Branch, must remain intact to ensure student government finances are distributed through a representative and constitutional process.
7. **Prevent Deliberate Non-Participation as a Loophole:** According to ABTS governing documents, missing three consecutive conferences may result in membership termination. The Court emphasizes that intentional, unilateral non-participation designed to achieve this outcome without Senate involvement is an indirect policy decision—one that requires Legislative Branch debate and ratification. Executive inaction should not substitute for formal withdrawal.

Limitations

The Court reaffirms that this advisory opinion evaluates **only** the constitutionality of the decision-making process, not the merits of the Executive Branch’s policy intentions. This opinion does not critique the administration’s intent to improve ABTS or question the potential financial or strategic benefits of disengagement. It addresses how the decision was made, ensuring the separation of powers remains intact.

Through our analysis, we also recognize that routine administrative decisions fall under Executive Branch jurisdiction. However, this opinion clarifies that when those decisions alter USG’s external representation, they transition from administrative to policy, requiring Legislative Branch involvement. This distinction ensures constitutional boundaries are upheld without undermining executive leadership.

Further, while this advisory opinion addresses the specific ABTS situation, the Court highlights that the principles outlined: particularly those regarding budgetary oversight, external partnerships, and cross-branch collaboration—apply broadly to prevent future overreach. The Court encourages all branches to prioritize communication, transparency, and mutual respect when navigating decisions with lasting structural or financial implications.

Finally, the Court acknowledges that USG's involvement with ABTS is ultimately a **policy** decision, one reserved for collaboration between elected student representatives in the Legislative and Executive Branches. This opinion offers guidance on the constitutional process for making that decision; it does not direct USG to stay or leave ABTS. The Court defers to the Legislative Branch to determine the future of USG's membership, provided the decision follows the constitutionally appropriate process.

Compliance Statement

This advisory opinion was issued in accordance with the governing documents and procedures of the University of Iowa's Undergraduate Student Government (USG) and the Student Judicial Court (SJC). All relevant provisions of the USG Constitution and Bylaws, as well as the established procedures of the SJC, were followed in the issuance of this opinion.

Please note that this advisory opinion is non-binding but serves as guidance for decision-making purposes within the Undergraduate Student Government at the University of Iowa. For further assistance or clarification, please contact Chief Justice Briones.

Respectfully submitted,

Faith Briones
Chief Justice

Hannah Williamsen
Deputy Chief Justice

Boris Miller
Student Elections Commissioner

Emmerson Speer
Parliamentarian

Hannah Casey
Assistant Student Elections Commissioner

Victoria Johnson
Assistant Student Elections Commissioner

Zoe Bergman
Student Organization Liaison

Caleb Platt
Campus Judiciary Liaison

APPENDIX A: ABTS Bylaws Article I (As of Spring 2024)

ABTS Bylaws

Revised Fall 2024

Preamble: The mission of the Association of Big Ten Students is to advocate on behalf of Big Ten Conference students, engage legislators at every level of government, strengthen collaboration among student government organizations and amplify student voices.

Name: The official name of this organization is “The Association of Big Ten Students”; hereinafter it will be referred to as “ABTS”.

Definitions

1. Delegation shall be defined as students from member universities at a conference.
2. Member University shall be defined as one of the Big 10 Universities part of ABTS.
3. Liaison shall be defined as the identified student responsible for communicating information between the different member universities.
4. Conference shall be defined as either Summer or Winter or Big Ten on the Hill conference in which all ABTS Member Universities have the opportunity to attend barring any issues related to membership requirements.
5. Legislative Meeting shall be defined as the meeting that takes place at conferences in which legislative business is handled.

Acronyms

1. ABTS shall stand for The Association of Big Ten Students
2. BTOTH shall stand for the Big Ten on the Hill Conference
3. DEI shall stand for Diversity, Equity, and Inclusion

Article I. Membership

Section 1. Membership

- A. Membership of ABTS shall include the student government organizations of the Big Ten Conference universities after formal ratification of a statement of membership to ABTS.
- B. Membership to ABTS includes but is not limited to
 - a. Inclusion in ABTS group chats and Slack
 - b. Invitation to attend ABTS annual conferences
 - c. Invitation to participate in ABTS orientation
- C. Membership of the ABTS (referred to as a member schools) shall be extended but not limited to the following universities:
 - a. University of Illinois at Urbana-Champaign
 - b. Indiana University, Bloomington
 - c. The University of Iowa
 - d. University of Michigan, Ann Arbor
 - e. Michigan State University
 - f. University of Minnesota Twin-Cities
 - g. Northwestern University
 - h. University of Nebraska-Lincoln
 - i. The Ohio State University
 - j. The Pennsylvania State University, University Park

- k. Purdue University
- l. University of Wisconsin, Madison
- m. University of Maryland, College Park
- n. Rutgers, the State University of New Jersey
- o. University of California - Los Angeles
- p. University of Oregon
- q. University of Southern California
- r. University of Washington

Section 2: Engaged Membership

- A. Engaged membership affords schools the following possibilities
 - a. Nominate students for ABTS executive board positions
 - b. Participation in non-conference ABTS events and opportunities
- B. Engaged Members of ABTS (referred to as a delegation) shall be extended to ABTS member schools who have:
 - a. Attended at least one out of the three past conferences
 - b. Paid all outstanding conference fees

Section 2. Termination of Membership

- A. Membership of a delegation to the ABTS may be terminated by:
 - a. Ratifying a statement withdrawing membership from ABTS and submitting the ratified statement to the Executive Director.
 - b. Failure to either participate in or attend three (3) consecutive Conferences.
 - c. If this is the case, the ABTS Executive Board will first vote on whether to put the Member University up for removal from the delegation body in which a 2/3 vote would be needed to pass.
 - d. Failure to pay outstanding Conference fees from prior Conferences will result in temporary suspension from the Association of Big Ten Students which includes being prohibited from attending conferences or events

APPENDIX B: LETTER TO ABTS (MARCH 1, 2025)

IOWA

Undergraduate Student Government
Office of the President

March 1, 2025

Dear Association of Big Ten Student Executive Board,

The University of Iowa Undergraduate Student Government would like to thank you for your service this year, recognizing that it has been a particularly challenging time for student leaders.

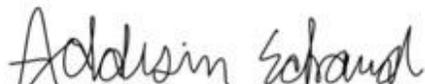
Over the years, Iowa has been an active participant in ABTS, but this year has been unique. We have attended most meetings and all conferences, had a member on the Executive Board, and hosted the Fall 2024 Conference. As we reflect on this year, and especially on our time with ABTS, we have decided to pause all engagement with the organization moving forward. Below, you will find our concerns and recommendations. Given our level of commitment to ABTS, we hope these suggestions are seriously considered.

- ABTS has never had a bank account, which creates inequities when selecting schools to host conferences. This also places an undue burden on the executive board, who must front costs and risk losing personal funds. ABTS should establish itself as a nonprofit organization to create an organizational bank account, which it currently lacks. As it stands, ABTS cannot book its own hotels or conferences without risking members' personal finances. This step will help ensure structure and stability for future conferences.
- ABTS should be formally recognized by the Big Ten to legitimize itself. The Big Ten Academic Alliance (B10AA) could be a potential option. The B10AA unifies the education, leadership, and research opportunities across the Big Ten. They have professional staff, participate in conferences, and are part of the Big Ten organization.
- ABTS should prioritize meeting with the Big Ten federal relations team at least once a month to ensure clear discussions about federal legislation impacting students at Big Ten institutions. This will strengthen ABTS's ability to advocate effectively for policies that benefit our students.

- A board of advisors should be formed to ensure continuity between years. Advisors should be staff members from each university who already have relationships with their institution's student government. This will aid in transitional periods and increase the professionalism of the organization. It would also promote "buy-in" from Big Ten universities unfamiliar with ABTS.

We respect the past and current ABTS board. This is not a rejection of ABTS's potential but a belief that meaningful reform is necessary for the organization to thrive. Moving forward, the Eckard/Ramirez administrations will limit their involvement with ABTS. However, Director Amin will complete her role on the board and assist with the transition period. The incoming USG administration will be encouraged to pause engagement until the organization is in better health. They will have full autonomy to participate at whatever level they deem appropriate.

We remain open to continued collaboration with our Big Ten peers and urge student governments across the conference to reach out as we work toward shared goals. Our hope is that future ABTS leadership is open to engaging in meaningful discussions with future University of Iowa USG administrations to strengthen and revitalize the organization.



Addison Eckard, USG President



Brenda Ramirez, USG Vice President

APPENDIX C: FAQ LETTER (February 25, 2025)

Will USG still go to BTOTH?

Yes, we plan on finishing our term as planned. We will help with the transition, and hope for a meaningful convention in D.C.

Will USG continue with federal advocacy?

Yes, USG Executive Leadership goes to D.C. every other year as part of the federal Hawkeye Caucus Day. We have planned for USG to go the years that UIowa does not attend, this is to continue to provide leadership and professional experience to our members. Part of the current ABTS budget will be reallocated for this.

How are you expected to see the changes you want implemented if you are not a part of ABTS?

Our concern is not about individual membership but that of the institution. We feel that by openly taking a step back versus “quiet quitting,” we put pressure on the institution to acknowledge its need for change. Whether we stay or we leave, ABTS is on an unsustainable path. We believe that without meaningful change ABTS will continue to struggle and risk its end. This is why we are proposing that future USG admin restrain from attending conferences and focus solely on the reform of ABTS with partnership of the federal Big 10 group.

Why a letter?

The goal of this letter is to place pressure on the future ABTS Executive Board to listen to universities’ criticism and create an environment where student advocacy can thrive. This document also provides historical context for future administrations for why this decision was made. A letter was picked instead of an Executive Order to remain respectful of the current Executive Board. We have prioritized relationships in every step of this decision and plan to continue doing so.

Why now?

UIowa USG has been one of the most active members of ABTS and we have committed ourselves, specifically this year, to try to push the organization forward. We have had attendance and participated in a majority of presidents and liaisons meetings, held a position on the Executive board, attended all conferences so far this year, and hosted the Fall Conference. We have seen what ABTS is capable of and understand the internal restrictions that prevent it from realizing its full potential. We believe the organization lacks the institutional foundation that keeps it from being successful, (like not having its own bank account) much of which stems from structural challenges within ABTS. Without a stronger foundation, ABTS struggles to fully harness its potential and sustain its organization.

Why are we choosing to stop attending ABTS completely, rather than phasing out?

Other Universities do not participate in ABTS. These Universities “quiet quit” and left without having a document declaring why. We felt that this action does not change the institution and being that we were as involved as we were this year we felt this respectful thing to do versus phasing out of meetings and conferences with no explanation. Additionally, we believe that this was the only way to have our step back acknowledged. While the A&B administration ends in May of 2025, we are taking this action in hopes that it has a lasting impact, and that Iowa can be a part of rebuilding and eventually start participating fully once again.

Will this make it difficult to maintain relations with Big10 Schools or share initiatives?

Outside of conferences, Addison has met with more presidents outside of the Big 10 than in it. Additionally, we will advise the next administration to meet with the Executive Board to make recommendations or assess the health of the organization. We hope that by leaving respectfully, relationships will be maintained. UIowa will meet with any Student Government inside or outside of ABTS.

Is this taking away opportunities for senators?

We do realize that all members of USG will miss out on the opportunity to go to ABTS conferences. However, all other opportunities that USG senators benefit from will still be available like Shared Governance Session, Town Hall, Inauguration, Board of Regents visits, Alumni Senate, and USG Caucus Day. The experience of being a senator will generally remain the same, because currently, a majority of senators do not get to attend conferences or interact with ABTS but, we have planned for senators to get the chance to advocate federally in future visits to D.C.

Will USG ever be able to participate fully again?

Yes, technically any president can decide to participate ABTS fully. However, we hope that this is not done until there is reasonable change or actions towards a new and improved ABTS. In its current state, we believe our involvement in ABTS conferences is not a justifiable use of student funds, and we urge future administrations to prioritize the sustainability of USG funds.

Who knew about this decision?

Executive leadership has discussed this decision with the USG advisors Bill Nelson and Angela Ibrahim-Olin, President Wilson and her Chiefs of Staff, Provost Kevin Kregel, VP of Student life Sarah Hansen, Assistant VP of Student Life Angie Reems, and Executive Director of Federal Relations Leanne Hotek. Past USG presidents and executive leadership were also consulted. This was not a decision that was made lightly. We first informed branch leadership of the decision, then Director of Governmental Relations/ABTS Executive Board member Amin, then ABTS Executive Director Reese Arturo, Executive Cabinet, the Senate, and lastly, the Executive Board of ABTS.