

Challenge submitted:

It has come to my attention that recently, I believe the night of the 25th June, that three members were appointed to CUSA council. In order to fill an empty seat by appointment, according to Bylaw I Council, 3.0 a, Public notice must be given before the seat is filled.

According to the Constitution, Article III - Interpretation and Definitions, 2.0 L, Public notice shall be notice to the membership, given a minimum of ten (10) prior to the specified event, via email, posters, and on the CUSA website, and when possible via radio, newspaper, and classroom announcements.

Also according to the Constitution, Article IV - Organization of the Carleton University Students' Association, 2.0 Authority of the Electorate, The Electorate f. Shall have the right to challenge any act of Students' Council, its members, its officers, or its agents, which contravenes the CUSA Constitution, Bylaws, or Policies, by submitting a written challenge to the Chair of Students' Council.

Therefore, as a member of the electorate, by virtue of being a member of CUSA, due to taking undergraduate credits at Carleton University, I am submitting a written challenge to the appointment which filled the vacant council seats due to Public Notice having not been properly given due to the notice having not been sent via email to all the members.

Board Background

The Constitution Board met on July 28, 2009 regarding a challenge submitted to the Chair regarding Bylaw I 3.0 a, i.e. Public Notice. The Board reviewed the challenge as submitted by email as well as the response from the Vice President Internal.

The Challenger asserted that proper procedure was not followed in filling the vacant council seats at council June 25, 2009. The challenger alleges that proper and public notice was not given, citing the CUSA Constitution Article III – Interpretation and Definitions 2.0 L *Public Notice shall be notice to the membership, given a minimum of ten (10) prior to the specified event, via email, posters, and on the CUSA website, and when possible via radio, newspaper and classroom announcements.*

The Challenger asserts that because not all members of the Association were directly contacted regarding the vacancies, the ratification of the 3 Faculty of Arts and Social Sciences representatives should be invalidated. After much discussion, the Constitution Board decided that it was unrealistic and prohibitively expensive for CUSA to take out radio and newspaper ads for every announcement it makes, which is why the Constitution states “when possible via radio, newspaper...”. In addition to this, CUSA does not have access to its membership’s email lists, making this aspect of public and proper notice an impossible requirement.

After careful consideration the Constitution Board has decided that there was public and proper notice given to the membership. The FASS seats had been vacant since the 2009 CUSA general election and their vacancy was announced at the May 1st meeting of CUSA Council. In addition to this, the Vice President Internal confirmed that these seats were declared vacant on the CUSA website on May 25, 2009 for one month until the June 25 Council meeting. Finally, there were posters with the council date, time, location and vacancy of these seats on the CUSA front office window between May 25 and June 25.

The Constitution Board believes it is the spirit of the CUSA Constitution to make reasonable efforts to alert the members of the Association to any council vacancies. By making an announcement at council, posting the vacancy on the website, emailing councillors the vacancies on the agenda in advance, the Board has ruled that public and proper notice were met and upholds the ratification of the Faculty of Arts and Social Science Representatives at the June 25, 2009 meeting.