

DISCIPLINE, INTERPRETATION, AND ENFORCEMENT BOARD

Citation: Interpretation re Bylaw 110, Regulation 110.06, 2023-HA09

REQUESTED BY:

Jacob Verghese, CRO

Applicant

SECTION 3.1(b) DECISION BYLAW 1500

Panel Members:	Hiba Khan, Chief Tribune (Chair) Navneet Chand, Associate Chief Tribune Rebekah (Bex) Mitchell, Tribune
Hearing Date:	N/A
Witnesses for the Applicant:	N/A

The reasons of the Board are delivered by H. Khan.

LEGISLATION

Bylaw 110, Regulation 110.06:

03. Vacancy Replenishment Submission

- 1. The completed Vacancy Petitions in Sections 01 and 02 shall be submitted to the CRO or UASU Governance Team.*
- 2. The first valid Vacancy Petition submitted for a given faculty will trigger a seven (7) day period after which no other petitions will be received per vacant seat.*
- 3. If no other valid Vacancy Petitions are received within the seven (7) day period, the successful candidate shall be declared a Councilor for the vacant seat for the remainder of that term.*

4. *If two or more candidates submit valid Vacancy Petitions for the same seat during the seven (7) day period, the candidate with the most signatures at the end of this period shall be the winner.*
5. *Any candidate shall be allowed to retrieve their petition during the seven (7) day waiting period to collect more signatures, so long as the final petition is re-submitted by 5:00pm on the last business day prior to the deadline.*
6. *In the event of a tie in the number of signatures, the CRO shall determine the winner by flipping a coin or other random-chance tie-breaking method in the presence of the DRO or a member of the UASU Governance Team.*
7. *Individuals that are ineligible to submit Vacancy Petitions include:*
 - a. *Any member of Students' Council; or*
 - b. *The Speaker of Students' Council; or*
 - c. *The CRO or DRO; or*
 - d. *Any student who ran during the previous general election or by-election and lost to none of the above; or*
 - e. *any student who has previously used this mechanism in the last 365 days.*

FACTS

[1] This application was initiated by the Chief Returning Officer (“CRO”) in order to determine the scope of the seven-day period noted in Regulation 110.06.

[2] In its current state, Regulation 110.06 does not specifically delineate how the seven-day period should be calculated.

[3] According to the CRO’s application, a Vacancy Petition for one of two vacant Science seats on Students’ Council was received at 2:50 PM, April 5th (“Petition A”). The receipt of this petition triggered a seven-day period during which other candidates could also put forward Vacancy Petitions. The posted deadline to contest Petition A was April 12th at 5:00 PM.

[4] A Vacancy Petition was received on April 12th at 4:22 PM (“Petition B”). Another Vacancy Petition was received on April 12th at 4:34 PM (“Petition C”).

ISSUES

[5] The issues before this Board are as follows:

1. *How should the seven-day period contemplated by Regulation 110.06 be calculated?*
2. *Should Petitions B and C be considered valid?*

ANALYSIS

Issue 1: How should the seven-day period contemplated by Regulation 110.06 be calculated?

[6] As noted by the CRO in their application, the seven-day period can be interpreted in a few ways.

[7] In this case, the CRO posted a deadline of 5:00 PM, which considered the seven-day period in the sense of daytime/working hours.

[8] The seven-day period can also be interpreted as ending on the seventh full day, at 11:59 PM.

[9] Finally, the seven-day period can be construed as 168 full hours from the receipt of the first Vacancy Petition. Under this interpretation, both Petitions B and C would be invalid as they were received after 2:50 PM on April 12th.

[10] Going forward, the seven-day period contemplated by Regulation 110.06 should encompass seven full days, with the deadline falling on the seventh day, just before midnight (11:59 PM).

[11] Given the confusion around the seven-day period and the lack of clarity that the Regulation provides, this interpretation provides candidates with the maximum amount of time available to submit Vacancy Petitions, while still falling within the language of the Regulation.

Issue 2: Should Petitions B and C be considered valid?

[12] Petitions B and C should be considered valid. Both petitions were received within the posted deadline of 5:00 PM on April 12th.

DISPOSITION

[13] The issues before this Board, and the answers to those issues, are as follows:

1. *How should the seven-day period contemplated in Regulation 110.06 be calculated?*

[14] The seven-day period should be interpreted as allowing for seven full days to submit a Vacancy Petition, with the deadline falling on the seventh day, just before midnight (11:59 PM).

2. *Should Petitions B and C be considered valid?*

[15] Petitions B and C should be considered valid. Both were received within the posted deadline of 5:00 PM. Going forward, candidates will have until 11:59 PM on the seventh day after a valid Vacancy Petition is received.