

DIE BOARD RULING 2012-03

HEARING DETAILS:

Style of Cause: Council v. Bui

Hearing Date: October 15th, 2012

Hearing Number: Ruling #03 2012/2013

DIE Board Panel Members: Cian Hackett, Associate Chief Tribune, Chair
Eve Coppinger, Tribune
Drew Maharaj, Tribune

Appearing for the Applicant: Rory Tighe, Speaker of Students' Council

BACKGROUND:

Speaker Tighe is tasked with checking the eligibility of Councilors on Students' Council. In September, Mr. Tighe found that Vi Bui, a Science Councilor, was registered in the Faculty of Education. Mr. Tighe emailed Ms. Bui to confirm this fact on September 28, 2012. Ms. Bui responded on September 28, 2012, confirming that she was registered in the Faculty of Education. The same day, Mr. Tighe emailed Ms. Bui informing her that to remove her, he would have to either receive a written resignation or ask that the DIE Board enforce the relevant bylaw. After a follow-up email on October 4, 2012, no response was received.

The proposed respondent, Ms. Bui, did not submit the form to become a Respondent, and was not present at the hearing.

ISSUES:

- [1] Is Vi Bui, Science Councilor, eligible to hold her position on Students' Council?
- [2] If Ms. Bui is found to be ineligible for her position, what action will the DIE Board take?

RELEVANT BYLAWS:

- [3] **From Bylaw 0100(4), A Bylaw Respecting Students' Council (Eligibility):**

(2) Every Councillor is required to be enrolled in the faculty he/she represents

[4] **From Bylaw 0100(5), A Bylaw Respecting Students' Council (Resignation):**

(1) Students' Council does not have the authority to remove any Councillor.

(2) Any member of Students' Council wishing to resign must do so in writing to the Speaker.

[5] **From Bylaw 1500, Judiciary of the Students' Union Bylaw**

29. General Powers of Enforcement

If the Board finds an application for action or application for appeal requires action by the Board may make any order proscribing any remedy the Board considers appropriate and just in the circumstances

DECISION:

[6] The Panel finds that Vi Bui is not eligible for the position of Science Councilor on Students' Council, pursuant to Bylaw 0100(4)(2).

Ms. Bui confirmed in the emails provided by the Applicant that she was no longer registered in the Faculty of Science. She does not fulfill the requirements of Bylaw 0100(4)(2).

[7] The application is granted, and accordingly, Vi Bui shall be removed from her position.

A Councilor may not be removed by Students' Council, according to Bylaw 0100(5)(1). In Students' Union Bylaw, the power to remove a Councilor is not explicitly granted. Given that the Applicant is asking for an enforcement of Bylaw 0100, the Panel finds the above action appropriate and within the powers of enforcement bestowed upon the DIE Board by Bylaw 1500(29).