



Unanimous Opinion By Council Chair Sonpatki

JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF OREGON STATE UNIVERSITY

Joe Page, Chair of the Student Fee Committee

INQUIRY TO THE ASOSU JUDICIAL COUNCIL
(No. 23.028.i)

[May 9th, 2023]

Joe Page, SFC Chair, requested that the Judicial Council review the processes and procedures for filling vacant at-large positions on the Student Fee Committee. He noted that in the 2023 ASOSU Election, five (5) at-large seats were up for election but only four students ran and were subsequently elected. As a result, there remains one (1) open seat with a term of office beginning June 1, 2023, to which no student has been elected. His specific inquiry was as follows:

Can the ASOSU President, Student Fee Committee Chair, and Student Fee Committee Vice Chair nominate and the ASOSU Senate confirm students to fill an unelected, vacant at-large seat on the Student Fee Committee for a term of office beginning after the nominators' term of office expires and the session of the ASOSU Senate to which the nomination was made concludes? (Page, 2023)

After thorough and thoughtful deliberation, the Judicial Council decided that the current ASOSU President, Student Fee Committee Chair, and Student Fee Committee Vice Chair are not able to nominate students to fill vacant at-large seats on the SFC for the following term of office. The authority to nominate candidates to fill those seats instead lies with the President, SFC Chair, and SFC Vice Chair whose terms of office are the same as the term of office for which the position remains vacant. The only way in which a vacancy for the following term of office may be filled before June 1 of the current year is by holding a special election.

The Council cites Section II(9) of the SFC Bylaws, which states “If an elected At-Large Member of the SFC becomes ineligible to serve, or the position is otherwise vacated, a Committee comprising the ASOSU President, the SFC Chair, and SFC Vice Chair (or one other member of the SFC) shall open applications for, and nominate, someone to serve the remainder of the term of office.” After referencing the ASOSU Statutes, which makes reference to both “vacant” positions and “vacated” positions, the Council came to the conclusion that there is a key difference between a position that is “vacant” and one that is “vacated”. Further, the Council concurred that the SFC at-large position in question should be considered “vacant” (and not “vacated”) since it has not been occupied at any point in time following the termination of the 2023 ASOSU Election. Given that the appointment process outlined in Section II(9) of the SFC Bylaws specifically (and exclusively) applies for if an at-large seat on the SFC has been *vacated*, there remains no guidance in the ASOSU governing documents with regard to appointment procedures for *vacant* at-large seats on the SFC.

The Council therefore came to the decision that there is no evidence in the governing documents giving the current ASOSU President, Student Fee Committee Chair, and Student Fee Committee Vice Chair the authority to nominate students to fill vacant at-large seats on the SFC for the following term of office. As such, filling the vacant position in question before June 1, 2023 would require holding a special election. Otherwise, the ASOSU President, SFC Chair, and SFC Vice-Chair who take office on June 1, 2023 may submit a nomination for the position after that date, and the nominee shall be then subjected to Senate confirmation.