

RUSA

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Chris Kay, Parliamentarian

Complainant: Viktor Krapivin, Internal Affairs Chair

Question: The RUSA constitution requires that every caucus be represented in the Internal Affairs committee. Could you please indicate how this is to be applied to cases where caucus members may not wish to serve on IA? Is the Vice President obligated to assign unwilling members to the committee?

Finding: Article 3.01.3 states that “ [The Internal Affairs Committee] shall be comprised of at least one member of every Campus Council.”¹ From this it is clear that the minimum requirement for an Internal Affairs Committee to carry out official business is that the membership of the Committee *must* consist of one member of each campus caucus. Until such membership requirements are met the Internal Affairs Committee cannot act on any business brought before it. That being said, the Committee is still free to meet informally to deliberate on issues concerning the mission of the Committee but no votes can be taken until it fulfills all membership requirements. This should not be understood to impose any quorum requirements on the Committee, which is still free from any such requirements.

Having established that the Internal Affairs Committee is required to meet its constitutional membership requirements we must now clarify where the responsibility for filling the seats of the Committee falls. Article 5.03.2 is where we find the answer to this questions; it states that the duties of the Vice President are to “Oversee The Assembly committees”² and “Assign Assembly members to committees”³. From this it is clear that the Vice-President is the official empowered to fill all Committees, including the Internal Affairs Committee. Therefore the Vice-President is required to find a member from each caucus to fill the minimum requirements of Internal Affairs. This is an implicit duty of the office and not something which can voluntarily disregarded. Furthermore as the membership requirements for the Internal Affairs committee are requirements campus caucuses cannot waive their seat on the Committee since membership is not a right of the caucuses but rather a duty that they are compelled to carry out. Is also means that even if no member of a given Caucus is willing to voluntarily join the Committee the Vice-President is still required to fill all the caucus seats.

The Internal Affairs committee has the membership requirements it has to ensure that proper checks are placed on the Committee. Since Internal Affairs is given a such broad range

¹ RUSA Constitution, Article III, Section 01, Subsection 3

² RUSA Constitution, Article V, Section 03, Subsection 2.c

³ RUSA Constitution, Article V, Section 03, Subsection 2.d

of powers, it behooves the Committee to have a voice from each of the Campus Caucuses so that any action taken by the Committee is deliberated by an equitable cross-section of the Assembly.

In summary, the Internal Affairs Committee has a minimum membership requirement of one representative from each Campus Caucus. The Committee may not take official action on any business until the membership requirement is filled. The Vice-President is the member charged with ensuring that the Committee meets all of its minimum requirements and this means that the V.P. can, if need be, appoint as many members as is necessary regardless of the preferences of any given member. Lastly, the membership requirement is a requirement so it may not be waived either by the Vice-President or the Campus Caucuses.

Supplement 1: What occurs in the case there are no members of a particular caucus? Like for example if an entire caucus has vacant membership?

In the extremely unlikely and abnormal event that an entire Campus Caucus is vacant the membership requirements of the Internal Affairs Committee would still remain in force. There is no justification that can be found within either the Constitution or the Standing Rules which allow for a waiving of the complete membership requirements of the Committee. However because the Constitution enshrines the Internal Affairs Committee as a Core Committee⁴, the inability of the Internal Affairs Committee to function due to an empty Caucus would trigger the President's duty to ensure the performance and productivity of all Committees.⁵ This duty paired with the President's power to make emergency recess appointments⁶ would require the President to appoint at least one member to the Assembly for the purpose of filling the vacant Campus Caucus. Once the President had appointed a candidate to fill the vacant Campus Caucus the Vice-President would be compelled to place the new member on the Internal Affairs Committee thereby restoring the Committee to functionality. It is important to note that while the President may make such an appointment, it may then be overturned at the next session of the Assembly if the body does not accept the President's appointee. At which point the Internal Affairs Committee would once again be insolvent and the President would be able to appoint another candidate.

Supplement 2: What if all members of a particular caucus are ineligible for participation in IA?

If the Campus Caucus is fully constituted, which is to say that all possible members of the Caucus are elected and serving, then it should not be possible for all members of the Caucus to be ineligible for participation in Internal Affairs except in the case of extraordinary situations, e.g. the impeachment of the entire Caucus. In these extraordinary cases the Parliamentarian, in

⁴ RUSA Constitution, Article III, Section 01, Subsection 3

⁵ RUSA Standing Rules, Article XV, Section 1, Subsection e

⁶ RUSA Standing Rules, Article XV, Section 1, Subsection j

consultation with the Chair of Internal Affairs, shall a case specific response to the issue. If the Campus Caucus is not fully constituted, its Chair shall appoint a member to the Assembly, as per the Chair's duty⁷, and that appointee will then be able to fill the vacant spot on the Internal Affairs Committee.

⁷ RUSA Standing Rules, Article XVII, Section 4