March 21st, 2006
In re: Senior Class Council Resignation
Constitutional Council Majority Opinion

Associate Justice Mendelson:
On March 19th, 2006, the External Vice President of the Senior Class Council, Katie Gerber, submitted her resignation to Senior Class Council President Sagar Ravi. As reported by President Ravi, Gerber resigned because of time commitment issues. This resignation occurred approximately two months before the Senior Class Council's term would be completed. Ravi approached the Constitutional Council to determine whether or not another External Vice President would need to be appointed in Gerber's place. A unanimous decision was made that a new External Vice President would need to be chosen to fill the vacancy.

In the Class Council Constitution Article V, Section c. it is stated: “In the event that a Class Council Officer position becomes vacant the position shall be filled by appointment by the Class Council with approval by the Vice President of the Student Union.” It is clear through the above language that the vacancy does need to be filled. The above article leaves no discrepancy that someone must be appointed.

The Senior Class Council did not want to fill the vacancy because they felt that although the Council is composed of five members, they were able to operate well with only four members. Since there were only two months left in the term of the officers, they felt as though they could continue on with their four officers. The members of their Executive Council and Cabinet asserted they would be able to fulfill the duties of the vacant position. However, this is not something that the Constitution takes into consideration. Although other people may be able to perform the duties of a vacant position, the position does still exist. The Class Council government was designed to have the five different positions for a reason; thus, no exceptions can be made to having all these positions filled. Although the work of the executive positions could possibly be completed by only one person, this does not mean that we can justify having only one person fulfill the role and duties of five different positions.

It was also argued that because the term of office was almost completed, that it would be unnecessary to fill the vacancy. No exception can be made for this. There is nothing in the Constitution to indicate that if more than a certain amount of a term is complete then a vacancy does not have to be filled. Even if there were a week left in the term, the vacancy should be filled.

With the above in mind, it is important to note that there is no time frame given for reappointment. Although it may appear as though a time frame is not essential, its absence gives the Senior Class Council flexibility in when they choose to appoint someone. Because they came to the Constitutional Council with the intention of not filling the vacancy and because the term of the Senior Class Council is over relatively soon, they may choose to elongate the process of appointing someone to the vacant
position. It is highly recommended that the Class Council Constitution be amended to address this issue.

There was no dissent in this case.