

Article H – Challenging Motions and Policy

H.1 Challenges to the Constitutionality or Rules-compliance of Submitted Motions

- (i) Any two Ordinary Members of the CUSU may challenge a proposed motion's Constitutionality or conformity with the Standing Orders by writing to the Chair no later than five days prior to the opening of convening of Council or Open Meeting. The challenge should include an explanation of the objection.
- (ii) The Democracy and Development Team shall then consider the challenge. It may, before the opening of the Council or Open Meeting:
 - 1. Clear the proposed motion.
 - 2. Take no action, leaving the item on the agenda paper.
 - 3. Delay the motion's submission until the next Council or Open Meeting pending further discussion or consultation.
 - 4. Rule a part of the proposal unconstitutional or in contravention of the rules, leaving the remainder on the agenda paper with the consent of the proposers.
 - 5. Rule the full proposal unconstitutional or in contravention of the rules and remove it from the agenda.Any action shall require the assent of a majority of the team.
- (iii) Pursuant to Sections C.1 and C.2 of the Constitution, no motion seeking a referendum may be challenged on the basis of its content.

H.2 Challenges to the Constitutionality or Rules-compliance of Pre-Existing Policy

- (i) Any two Ordinary Members of the CUSU may challenge a Union Policy's Constitutionality or conformity with the Standing Orders by writing to the President. The challenge should include an explanation of the objection.
- (ii) The Democracy and Development Team shall then consider the challenge in closed session at its next meeting. It may:
 - 1. Clear the policy in question.
 - 2. Rule a part of the proposal unconstitutional or in contravention of the rules, leaving the remainder as enforceable policy.
 - 3. Rule the full policy unconstitutional or in contravention of the rules and remove it from the mandates of the Union.Any action shall require the assent of a majority of the team.

H.3 Challenges to the Legality of Submitted Motions or of Policy

- (i) The Trustees of the Union may delay the consideration of a proposed policy by Council or an Open Meeting and/or invalidate any part of an agenda item on the basis of its non-conformity with the laws under the jurisdiction of which the Union falls.
- (ii) The Trustees of the Union may refuse the implementation of a policy and/or invalidate any part of an existing policy basis of its non-conformity with the laws under the jurisdiction of which the Union falls.
- (iii) The Council shall, in the event the Trustees strike proposed or existing policy for legal reasons, have the option to mandate that the Trustees seek legal advice about a policy, provided that the Council specifies funding for the solicitation of such advice.