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### SB41-19/20: Resolution Regarding Referendum Language for Article 4 of the ASUM Constitution

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#### Recommended Citation

Anderson, Cierra; Fulton, Brian; Durnell, Noah; Hurley, Matthew; and Pfeifer, Christian, "SB41-19/20: Resolution Regarding Referendum Language for Article 4 of the ASUM Constitution" (2019). *Senate Resolutions, 2007-Present*. 776.

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1                                   **The Associated Students of the University of Montana**  
2                                   **Resolution Regarding Referendum Language for Article 4 of the ASUM Constitution**  
3                                   **November 12, 2019**

4                                   **SB41-19/20**

5                                   **Authored by: Cierra Anderson, ASUM Senator; Noah Durnell, ASUM Senator; Brian**  
6                                   **Fulton, ASUM Senator; Matthew Hurley, ASUM Senator; Christian Pfeifer, ASUM**  
7                                   **Senator;**

8                                   **Sponsored by: Zoe Nelson, ASUM Senator;**  
9

10       Whereas, A Constitution establishes a system of government, defines the powers and functions  
11       of the institutions of government, provides limits to state and non-state action, and regulates the  
12       relations between institutions and its people<sup>1</sup>;

13  
14       Whereas, The Constitution of the Associated Students of the University of Montana (ASUM)  
15       regulates the interactions between students<sup>2</sup> of the University, members<sup>3</sup>, and the Associated  
16       Government<sup>4</sup>;

17  
18       Whereas, “ASUM shall be the representative body of the members of the Association, organized  
19       exclusively for educational and non-profit purposes,” and “The primary responsibility of the  
20       Association is to serve as an advocate for the general welfare of the students”<sup>5</sup>;

21  
22       Whereas, The ASUM Constitution is in need of general revision, clarification, and updating to  
23       reflect the values and needs of both students and the institution;

24  
25       Whereas, Amendments to the Constitution would better serve the general welfare of students and  
26       the functions of government;

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28       Whereas, The ASUM Constitutional Revision Ad Hoc Committee was charged with exploring  
29       amendments to the constitution to be enumerated and brought forth as amendments or revisions;

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31       Whereas, ASUM increased the number of senate seats to twenty-six in 2011 to match increasing  
32       enrollment;

33  
34       Whereas, The number of students at the University of Montana has declined since ASUM  
35       increased the number of Senate seats;

36  
37       Whereas, Making the number of seats available on Senate proportional to the number of students  
38       enrolled at the University of Montana creates sustainable language within the Constitution and  
39       would better serve student interests;

40  

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<sup>1</sup> Denis J. Galligan and Mila Versteedg, *Social and Political Foundations of Constitutions*.

<sup>2</sup> “Student” is “defined as anyone currently enrolled in the University of Montana,” in Article I, Section 3 of the Constitution.

<sup>3</sup> “Member” is “defined as any Student Activity Fee paying student at the University of Montana,” in Article I, Section 2 of the Constitution.

<sup>4</sup> The characteristics and functions of the Associated Government are defined in the ASUM Constitution, Article II.

<sup>5</sup> ASUM Constitution, Article II, Section 1

41 Whereas, Language regarding faculty advisor seats needed to be adjusted to better reflect how  
42 the Senate currently operates;

43  
44 Whereas, Article 4 of the ASUM Constitution currently reads:

45  
46 *Article 4: ASUM Senate*

- 47 ● *Section 1 . The ASUM Senate shall be composed of*
- 48 ○ *( a ) the voting members*
- 49 ○ *( 1 ) twenty-six (26) student representatives as provided for in Article 7*  
50 *of this Constitution ( 2 ) the Executives of ASUM*
- 51 ○ *( b ) the non-voting members*
- 52 ○ *( 1 ) two faculty advisors appointed annually by the ASUM Senate*  
53 ○ *( 2 ) other ex-officio positions as needed, requiring a two-thirds (2/3)*  
54 *vote by the ASUM Senate for approval. These newly created positions*  
55 *shall expire upon the inauguration of new officers.*
- 56 ● *Section 2 . Any ASUM Senator who is incapacitated, removed from office, or unable to*  
57 *perform his/her duties on a permanent basis shall be replaced by a presidential*  
58 *appointment subject to a two-thirds (2/3) vote of the ASUM Senate. Any ASUM Senator*  
59 *may be removed from office for breaching his/her duties as stated in this Constitution or*  
60 *in the Bylaws. The removal proceedings shall be conducted by the ASUM Senate. A two*  
61 *thirds (2/3) vote of the ASUM Senate and a majority vote (50% plus one) of 12% of the*  
62 *ASUM membership is required for removal. A Senator may also be removed by a two-*  
63 *thirds (2/3) vote of the ASUM Senate only upon unexcused absence from three or more*  
64 *regular meetings per quarter/semester.*
- 65 ● *Section 3 . The duties of the ASUM Senate shall include:*
- 66 ○ *( a ) The Fiscal Policy recommendation shall be submitted by the Business*  
67 *Manager to ASUM Senate for its approval.*
- 68 ○ *( b ) The final budget recommendation shall be submitted by the President to*  
69 *ASUM Senate for its approval.*
- 70 ○ *( c ) All presidential recommendations for appointments shall be subject to*  
71 *ASUM Senate approval.*
- 72 ○ *( d ) The ASUM Senate may enact Bylaws upon a two-thirds (2/3) vote.*
- 73 ○ *( e ) The ASUM Senate shall have the right to dissolve any member group as an*  
74 *ASUM entity if that group has breached its responsibilities as defined in Article 6*  
75 *of this Constitution.*
- 76 ○ *( f ) The ASUM Senate shall approve all ASUM policies and shall be*  
77 *responsible for developing Bylaws in accordance with this Constitution.*
- 78 ○ *( g ) The ASUM Senate must have at least a two-thirds (2/3) majority vote in*  
79 *order to support the increase of any University of Montana or ASUM fee.*
- 80 ● *Section 4 . All recommendations or decisions of any ASUM Committee shall be subject*  
81 *to the approval of the ASUM Senate unless otherwise precluded in this Constitution.*
- 82 ● *Section 5 . ASUM Senate may call a special meeting upon a two-thirds (2/3) petitioning*  
83 *of the Senators. In such a case, the Vice President is obligated to call a special meeting.*
- 84 ● *Section 6 . The ASUM Senate may enter executive session upon recommendation of the*  
85 *ASUM President, Vice President, Business Manager or Senators.*
- 86 ● *Section 7 . Meetings shall be conducted in accordance with Robert's Rules of Order.;*

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Therefore, Let It Be Resolved that the following language be submitted to the student body as a referendum during the General Election in Spring, 2020:

“Article 4 of the ASUM Constitution is in need of particular revision to address the functions and makeup of ASUM as a governing body. The Constitution currently reads:

*Article 4: ASUM Senate*

- *Section 1 . The ASUM Senate shall be composed of*
  - *( a ) the voting members*
    - *( 1 ) twenty-six (26) student representatives as provided for in Article 7 of this Constitution*
    - *( 2 ) the Executives of ASUM*
  - *( b ) the non-voting members*
    - *( 1 ) two faculty advisors appointed annually by the ASUM Senate*
    - *( 2 ) other ex-officio positions as needed, requiring a two-thirds (2/3) vote by the ASUM Senate for approval. These newly created positions shall expire upon the inauguration of new officers.*
- *Section 2 . Any ASUM Senator who is incapacitated, removed from office, or unable to perform his/her duties on a permanent basis shall be replaced by a presidential appointment subject to a two-thirds (2/3) vote of the ASUM Senate. Any ASUM Senator may be removed from office for breaching his/her duties as stated in this Constitution or in the Bylaws. The removal proceedings shall be conducted by the ASUM Senate. A two thirds (2/3) vote of the ASUM Senate and a majority vote (50% plus one) of 12% of the ASUM membership is required for removal. A Senator may also be removed by a two-thirds (2/3) vote of the ASUM Senate only upon unexcused absence from three or more regular meetings per quarter/semester.*
- *Section 3 . The duties of the ASUM Senate shall include:*
  - *( a ) The Fiscal Policy recommendation shall be submitted by the Business Manager to ASUM Senate for its approval.*
  - *( b ) The final budget recommendation shall be submitted by the President to ASUM Senate for its approval.*
  - *( c ) All presidential recommendations for appointments shall be subject to ASUM Senate approval.*
  - *( d ) The ASUM Senate may enact Bylaws upon a two-thirds (2/3) vote.*
  - *( e ) The ASUM Senate shall have the right to dissolve any member group as an ASUM entity if that group has breached its responsibilities as defined in Article 6 of this Constitution.*
  - *( f ) The ASUM Senate shall approve all ASUM policies and shall be responsible for developing Bylaws in accordance with this Constitution.*
  - *( g ) The ASUM Senate must have at least a two-thirds (2/3) majority vote in order to support the increase of any University of Montana or ASUM fee.*
- *Section 4 . All recommendations or decisions of any ASUM Committee shall be subject to the approval of the ASUM Senate unless otherwise precluded in this Constitution.*
- *Section 5 . ASUM Senate may call a special meeting upon a two-thirds (2/3) petitioning of the Senators. In such a case, the Vice President is obligated to call a special meeting.*

- 133 ● *Section 6 . The ASUM Senate may enter executive session upon recommendation of the*
- 134 *ASUM President, Vice President, Business Manager or Senators.*
- 135 ● *Section 7 . Meetings shall be conducted in accordance with Robert's Rules of Order.*
- 136

137 ASUM is proposing the following changes be made to Article 4. The changes will be reflected in  
138 bold:

139  
140 **Article 4: ASUM Senate**

141 **Section 1. The ASUM Senate shall be composed of:**

142 **1. The voting members:**

143 **a. A proportional number of Senators at the University of**  
144 **Montana. Every five hundred (500) students, considered to be a**  
145 **constituency, shall be represented by one (1) Senator, as provided**  
146 **for in Article 7 of this Constitution.**

147 **i. In the event that a constituency is less than 500**  
148 **students, a Senator will still be allotted.**

149 **b. The number of Senators shall never be lower than twenty (20),**  
150 **even if this means the number of Senators is disproportionate to**  
151 **the number of students at the University of Montana.**

152 **c. The Executive Officers of ASUM.**

153 **2. The non-voting members:**

154 **a. At least one but no more than two faculty advisors appointed**  
155 **annually by the ASUM Senate.** ````````````````````

156 **b. Other ex-officio positions as needed, requiring a two-thirds**  
157 **(2/3) vote by the ASUM Senate for approval. These newly created**  
158 **positions shall expire upon the inauguration of new officers.**

159 **Section 2. Any ASUM Senator who is incapacitated, removed from office, or**  
160 **unable to perform their duties on a permanent basis shall be replaced by a**  
161 **presidential appointment subject to a two-thirds (2/3) vote of the ASUM Senate.**  
162 **Any ASUM Senator may be removed from office for breaching their duties as**  
163 **stated in the ASUM Bylaws. The removal proceedings shall be conducted by the**  
164 **ASUM Senate. A two thirds (2/3) vote of the ASUM Senate and a majority vote**  
165 **(50% plus one) of 12% of the ASUM membership is required for removal. A**  
166 **Senator may also be removed by a two-thirds (2/3) vote of the ASUM Senate only**  
167 **upon unexcused absence from three or more regular meetings per**  
168 **quarter/semester.**

169 **Section 3. The duties of the ASUM Senate shall include:**

170 **1. The final budget recommendation shall be submitted by the President to**  
171 **ASUM Senate for its approval.**

172 **2. All presidential recommendations for appointments shall be submitted**  
173 **to the ASUM Senate for its approval.**

174 **3. The ASUM Senate may enact Bylaws upon a two-thirds (2/3) vote.**

175 **4. The ASUM Senate shall have the right to dissolve any member group as**  
176 **an ASUM entity upon breaching its responsibilities as defined in Article 6**  
177 **of this Constitution.**

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- 5. *The ASUM Senate shall approve all ASUM policies and shall be responsible for developing Bylaws in accordance with this Constitution.*
- 6. *The ASUM Senate must have at least a two-thirds (2/3) majority vote in order to support the increase of any University of Montana or ASUM fee.*
- Section 4.** *All recommendations or decisions of any ASUM Committee shall be subject to the approval of the ASUM Senate unless otherwise precluded in this Constitution.*
- Section 5.** *The ASUM Senate may call a special meeting upon a two-thirds (2/3) petitioning of the Senators. In such a case, the Vice President is obligated to call a special meeting.*
- Section 6.** *The ASUM Senate may enter executive session upon recommendation of the ASUM President, Vice President, Business Manager or Senators.*
- Section 7.** *ASUM Senate meetings shall be conducted in accordance with Robert's Rules of Order.*

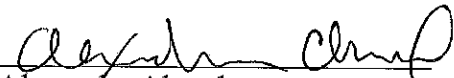
Do you support these changes as a revision to the ASUM Constitution?

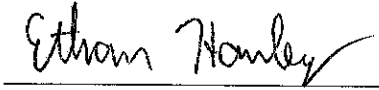
- Yes, I support these changes to the ASUM Constitution.
- No, I do not support these changes to the ASUM Constitution.”;

Therefore, Let It Be Further Resolved, That this resolution be sent to Grace Dunnehoff, Chair of Elections Committee.

Passed by Committee: December 1<sup>st</sup>, 2019

Passed by ASUM Senate: December 4<sup>th</sup>, 2019

  
 Alexandra Akmal,  
 Chair of the Relations and Affairs Committee

  
 Ethan Hanley,  
 Chair of the Senate

Resolution Passed Unanimously