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SB27-20/21: Resolution Creating a Code of Ethics

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1 **The Associated Students of the University of Montana**
2 **Resolution Creating a Code of Ethics**
3 **August 3rd, 2020**
4 **SB 27 - 20/21**

5 **Authored by: Ethan Hanley, ASUM Business Manager; Maggie Bornstein, ASUM Senator;**
6 **Justina McDirmid, ASUM Senator; Christian Pfeifer, ASUM Senator; Lyssa Ann Schei,**
7 **ASUM Senator; Vincent C. Tarallo Jr., ASUM Senator;**
8

9 Whereas, The Associated Students of the University of Montana (ASUM) enhances the student
10 experience by providing services, advocating for the rights of all University of Montana (UM)
11 students as a diverse, unified body, and models trust and transparency among students, faculty,
12 and staff¹;

13
14 Whereas, One of ASUM's primary responsibilities is to serve as the representative body for UM
15 students;

16
17 Whereas, ASUM accomplishes this through a representative and governing body called the
18 ASUM Senate;

19
20 Whereas, There is a set of Duties and Expectations which members inherently expect of their
21 elected officials, and are necessary to serve responsibly and with equity;

22
23 Whereas, These Duties and Expectations include the upholding of an elected official's oath, the
24 responsible use of their position, and appropriate representation of ASUM procedures;

25
26 Whereas, A consistent value for ASUM has been to promote diversity and inclusion so we can
27 best represent all UM students;

28
29 Whereas, Inclusive representation prohibits discrimination against student demographics and
30 harassment towards any individual;

31
32 Whereas, Having ASUM be an inclusive space for all students is vital to ensuring its
33 effectiveness as a body;

34
35 Whereas, ASUM stands firmly against any acts of hazing, formal or informal, in becoming a
36 Senator, Executive, or seeking employment within the organization;

37
38 Whereas, One duty for all elected representatives is to allocate funds fairly to student groups
39 without subjective judgement, and based on the mission of the group;

40
41 Whereas, ASUM Senators and Executives strive to remove themselves from a voting matter if
42 they feel there is a conflict of interest, particularly in matters of funding requests;

43

¹ SB02 – 19/20: Resolution Regarding the ASUM 2019-2020 Mission Statement

44 Whereas, This has never been clearly defined in ASUM governing documents and there has been
45 some confusion for many years about what constitutes a conflict of interest;

46
47 Whereas, Providing a definition along with examples that constitutes a conflict of interest would
48 allow Senators and Executives to more easily determine if they have a conflict;

49
50 Whereas, ASUM does not have a Code of Ethics or a set of ethics in governing documents which
51 has forced Senators and Executives to follow their own sets of morals during their service;

52
53 Whereas, Creating a Code of Ethics will allow our current Senate and future Senates to hold
54 Senators and Executives to an agreed-upon set of ethics and standards;

55
56 Therefore, Let It Be Resolved, That ASUM adopts a Code of Ethics;

57
58 Therefore, Let It Be Further Resolved, That this Code of Ethics read as follows:

59
60 **Code of Ethics**

61 **Section 1: Definitions**

62 A. *ASUM: ASUM shall be the representative body of the members of the Association,*
63 *organized exclusively for educational and non-profit purposes. The primary*
64 *responsibility of the Association is to serve as an advocate for the general welfare of the*
65 *students.*

66 B. *Ethical: A standard of principles guided by social and moral responsibility through*
67 *which Senators are expected to behave.*

68 C. *Ethical Conduct: Behavior on and off of the Senate floor, pertaining to both physical and*
69 *online presences, that is becoming of inclusivity, responsibility, credibility in decision*
70 *making, and behavior that is considered morally sound.*

71 D. *Conflict of Interest: A conflict of interest occurs when a Senator or Executive becomes*
72 *unreliable because of a clash between personal (or self-serving) interests and*
73 *professional duties or responsibilities.²*

74 E. *Gift: A voluntary transfer of property or of a property interest from one individual to*
75 *another, made gratuitously to the recipient, which includes (but is not limited to)*
76 *preferential treatment and/or work done for another person or entity.³*

77 F. *Hazing: Any action taken or situation created, whether on or off university premises, that*
78 *is harmful or potentially harmful to an individual's physical, emotional, or psychological*
79 *well-being, regardless of an individual's willingness to participate or its bearing on their*
80 *membership status.⁴*

81
82 **Section 2: Duties and Expectations**

83 *The following expectations apply to all active members of the ASUM Student Government.*
84 *Senators and Executives shall:*

85

² <https://www.investopedia.com/terms/c/conflict-of-interest.asp>

³ <https://legal-dictionary.thefreedictionary.com/gift>

⁴ <https://studentaffairs.duke.edu/dos/hazing>

- 86 - Faithfully execute the duties of their position as outlined in the ASUM Constitution and Bylaws
87
88 -Always act in the best interests of all students attending the University of Montana, Missoula
89 College and/or Bitterroot College.
90
91 -Retain the self-awareness to separate themselves from potential bias in order to represent all
92 students regardless of race, sex, religion, political affiliation, group affiliation, or portion of the
93 student population.
94
95 - Maintain a zero-tolerance policy towards hazing to commit to the wellbeing of all UM students.
96
97 -Uphold their Oath of Office, the Governing Documents of ASUM, and this Code in conjunction
98 with the Student Conduct Code, as well as State and Federal Law.
99
100 - Not represent the procedures of ASUM in a misleading or ignorant way to constituents or the
101 press. The exercise of free speech in relation to ASUM is recognized; in exercising free speech,
102 those procedures by which policy is enacted or created must be understood and capably
103 illustrated by Senators.
104
105 - Be good stewards of their time through punctuality in committees, senate, and their assigned
106 office hours. They must expect that ASUM activities will likely take up time outside of their
107 University activities. Senators must also recognize when they are overwhelmed so that they can
108 request a workload fitting for their situation.
109
110 - Not seek out special benefits as a result of their position, nor should they accept Gifts that may
111 be related to their Senatorship or seen as influencing their decisions as a Senator. Examples of
112 Gifts include but are not limited to: Monetary awards, performances or entertainment that is not
113 reimbursed, and material items or food costing any amount.
114
115 -Conduct themselves in a professional manner when interacting as a representative of ASUM.
116

117 **Section 3: Non-Discrimination**

118 *The Associated Students of the University of Montana (ASUM) is charged with representing and*
119 *respecting all students, regardless of race, color, religion, national origin, creed, service in the*
120 *uniformed services, veteran status, sex, age, political ideals, marital or family status, pregnancy,*
121 *physical or mental disability, genetic information, gender identity, gender expression, or sexual*
122 *orientation in compliance with federal, state, and local non-discrimination ordinances and the*
123 *University of Montana Student Code of Conduct. As such, neither membership nor participation*
124 *in ASUM sanctioned affairs shall be barred to any student on the basis of protected class.*
125

126 **Section 4: Conflicts of Interest**

127 *All Senators and Executives are expected to maintain and uphold ethical values as laid out in the*
128 *code with regards to all funding and financial votes. The elected officials of ASUM are expected*
129 *to abstain from all votes when a conflict of interest arises. Instances when an elected official is*
130 *required to abstain from voting due to a conflict of interest may include but are not limited to:*

- 131 - *A member must abstain on all votes regarding funding and recognition of student groups*
132 *of which they are currently a member.*
133 - *If a member is employed by an agency, they are expected to remove themselves from the*
134 *respective agency's oversight board unless they are in an ex-officio position.*
135 - *If a member is employed by an agency, they must abstain from all financial votes on that*
136 *agency which are in conflict with the member's job.*
137 - *A member cannot vote on their pay or hours for a position they are seeking during the*
138 *next academic year.*
139

140 Therefore, Let It Be Further Resolved, That this resolution be sent to: Lou Villemez, Director of
141 ASUM Legal Services; Sarah Swager, Vice Provost of Student Success; Brian Reed, Associate
142 Vice Provost for Student Success.

143

144

145 Passed by Committee: _____, 2020

146

147 Passed by ASUM Senate: September 23, 2020

148

149

150

151 _____
152 Noah Durnell,
Chair of the Relations and Affairs Committee

Patrick James Flanagan,
Chair of the Senate