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SB52-19/20: Resolution Regarding Referendum Language for Article 6 of the ASUM Constitution

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1 **The Associated Students of the University of Montana**
2 **Resolution Regarding Referendum Language for Article 6 of the ASUM Constitution**
3 **January 15, 2020**

4 **SB52-19/20**

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

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 people¹;

13
14 Whereas, The Constitution of the Associated Students of the University of Montana (ASUM)
15 regulates the interactions between students² of the University, members³, and the Associated
16 Government⁴;

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”⁵;

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;

27
28 Whereas, During the Summer of 2019, the University of Montana did a complete revision of the
29 Student Conduct Code;

30
31 Whereas, Part of the revisions included ASUM maintaining their autonomy when adjudicating
32 Student Group conduct issues;

33
34 Whereas, The ASUM Board on Member Organizations and the Senate will adjudicate violations
35 of the Student Conduct Code by ASUM recognized Student Groups;

36
37 Whereas, Article 6 of the ASUM Constitution currently reads:

38
39 *Article 6: Agencies and Member Groups*

¹ Denis J. Galligan and Mila Versteedg. *Social and Political Foundations of Constitutions*.

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

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

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

⁵ ASUM Constitution. Article II, Section 1

- 40 ● *Section 1 . The Board on Member Organizations shall be composed of five members,*
41 *including one, but not more than two, ASUM Senate members, and the remainder at-*
42 *large students. Appointments to the Board will be recommended by the President and*
43 *confirmed by a two-thirds (2/3) vote of the ASUM Senate. The Board shall monitor*
44 *compliance of ASUM member groups with ASUM Bylaws, Constitution, and policies. It*
45 *shall make recommendations to the ASUM Senate if disciplinary action is required.*
46 ● *Section 2 . An agency is defined as an organization formed by ASUM, with a director*
47 *hired by the ASUM Senate upon recommendation by the President. The Director and the*
48 *Agency are answerable to the policy decisions of the ASUM Senate as implemented by*
49 *the ASUM Executive Branch.*
50 ● *Section 3 . A member group is defined as any organization of students (excluding*
51 *agencies) which receive benefits from their affiliation with ASUM. Such groups shall be*
52 *reviewed and approved annually by the Board on Member Organizations according to a*
53 *set of criteria established by the Board and approved by the Senate.*
54 ● *Section 4 . Duties and responsibilities of agencies and member groups include:*
55 ○ *(a) Agencies and member groups shall adhere to the ASUM Constitution,*
56 *Bylaws, and Fiscal Policy.*
57 ○ *(b) Agencies and member groups shall serve their constituency. It is the*
58 *responsibility of all agencies and member groups to define goals and to adhere to*
59 *practices described in their constitutions or statements of process, as approved by*
60 *the Board on Member Organizations. Decisions by that Board are subject to*
61 *appeal to the ASUM Senate.*
62 ● *Section 5 . ASUM Executives and Senators are ineligible to hold the directorship of any*
63 *agency.;*

64
65 Whereas, The Board on Member Organization’s current committee composition does not allow it
66 to perform fair and timely adjudication of conduct violations by ASUM recognized Student
67 Groups;

68
69 Whereas, The Board on Member Organization’s committee composition is specified in the
70 ASUM Constitution;

71
72 Therefore, Let It Be Resolved that the following language be submitted to the student body as a
73 referendum during the General Election in Spring, 2020:

74
75 “Article 6 of the ASUM Constitution is in need of general revision to reflect the functions of
76 ASUM as a governing body. The Constitution currently reads:

77
78 *Article 6: Agencies and Member Groups*

- 79 ● *Section 1 . The Board on Member Organizations shall be composed of five members,*
80 *including one, but not more than two, ASUM Senate members, and the remainder at-*
81 *large students. Appointments to the Board will be recommended by the President and*
82 *confirmed by a two-thirds (2/3) vote of the ASUM Senate. The Board shall monitor*
83 *compliance of ASUM member groups with ASUM Bylaws, Constitution, and policies. It*
84 *shall make recommendations to the ASUM Senate if disciplinary action is required.*

- 85 ● *Section 2 . An agency is defined as an organization formed by ASUM, with a director*
86 *hired by the ASUM Senate upon recommendation by the President. The Director and the*
87 *Agency are answerable to the policy decisions of the ASUM Senate as implemented by*
88 *the ASUM Executive Branch.*
- 89 ● *Section 3 . A member group is defined as any organization of students (excluding*
90 *agencies) which receive benefits from their affiliation with ASUM. Such groups shall be*
91 *reviewed and approved annually by the Board on Member Organizations according to a*
92 *set of criteria established by the Board and approved by the Senate.*
- 93 ● *Section 4 . Duties and responsibilities of agencies and member groups include:*
- 94 ○ *(a) Agencies and member groups shall adhere to the ASUM Constitution,*
95 *Bylaws, and Fiscal Policy.*
- 96 ○ *(b) Agencies and member groups shall serve their constituency. It is the*
97 *responsibility of all agencies and member groups to define goals and to adhere to*
98 *practices described in their constitutions or statements of process, as approved by*
99 *the Board on Member Organizations. Decisions by that Board are subject to*
100 *appeal to the ASUM Senate.*
- 101 ● *Section 5 . ASUM Executives and Senators are ineligible to hold the directorship of any*
102 *agency.*

104 ASUM is proposing the following changes be made to Article 6. The changes will be reflected in
105 bold:

106
107 ***Article 6: Agencies and Member Groups***

108 ***Section 1.*** *The Board on Member Organizations shall be composed of seven*
109 *members, including one, but not more than three, ASUM Senators, and the*
110 *remainder Students At-Large. The Board shall be chaired by the Business*
111 *Manager. Ex Officio members shall include the ASUM Office Manager as well*
112 *as the Student Group Coordinator. Appointments to the Board will be*
113 *recommended by the President and confirmed by a two-thirds (2/3) vote of the*
114 *ASUM Senate. The Board shall monitor compliance of ASUM member groups*
115 *with ASUM Bylaws, Constitution, and policies. The Board will also monitor*
116 *member groups compliance with the Student Code of Conduct. It shall make*
117 *recommendations to the ASUM Senate if disciplinary action is required.*

118 ***Section 2.*** *An agency is defined as an organization formed by ASUM, with a*
119 *director hired by the ASUM Senate upon recommendation by the President. The*
120 *Director and the Agency are answerable to the policy decisions of the ASUM*
121 *Senate as implemented by the ASUM Executive Officers.*

122 ***Section 3.*** *A member group is defined as any organization of students (excluding*
123 *agencies) which receive benefits from their affiliation with ASUM. Such groups*
124 *shall be reviewed and approved annually by the Board on Member Organizations*
125 *according to a set of criteria established by the Board and approved by the*
126 *Senate.*

127 ***Section 4.*** *Duties and responsibilities of agencies and member groups include:*

128 ***1.*** *Agencies and member groups shall adhere to the ASUM Constitution,*
129 *Bylaws, Personnel Policy, and Fiscal Policy.*

130 *2. Agencies and member groups shall serve their constituency. It is the*
131 *responsibility of all agencies and member groups to define goals and to*
132 *adhere to practices described in their constitutions or statements of*
133 *process, as approved by the Board on Member Organizations. Decisions*
134 *by that Board are subject to appeal to the ASUM Senate.*

135 **Section 5.** *ASUM Executives and Senators are ineligible to hold the directorship*
136 *of any agency.*

137

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

139

140 ___ Yes, I support these changes to the ASUM Constitution.

141

142 ___ No, I do not support these changes to the ASUM Constitution.”;

143

144

145 Therefore, Let It Be Further Resolved, That this resolution be sent to Shane St. Onge, Chair of
146 Elections Committee.

147

148

149 Passed by Committee: _____, 2020

150

151 Passed by ASUM Senate: _____, 2020

152

153

154

155 _____
Noah Durnell,

156 Chair of the Relations and Affairs Committee

157

158

159

160

Zoe Nelson,

161 Chair of the Constitutional Ad Hoc Committee

162

163

164 Resolution unanimously approved