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### Documents from the April 15, 1998 meeting of the Associated Students of the University of Montana (ASUM)

University of Montana--Missoula. Associated Students

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Associated Students  
University of Montana

Suite 105  
University Center

Missoula, MT 59812  
(406) 243-2451

ASUM SENATE AGENDA  
April 15, 1998  
Mt. Sentinel Room

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes - April 8, 1998
4. Public Comment
5. President's Report
  - a. Student Recognition Reception
  - b. Bike Racks
  - c. UC Hours during Finals
6. Vice President's Report
  - a. Committee Appointments
  - b. Other
7. Business Manager's Report
  - a. Zero-Base Carryover
8. Committee Reports
9. Unfinished Business
  - a. SB18-97/98 Resolution to Dissolve the \$100 Course Retake Fee
  - b. SB25-97/98 Resolution to Endorse the Attached Contract between ASUM and The University of Montana Law School
  - c. SB29-97/98 Resolution to Support a Dead Week Policy
  - d. SB30-97/98 Resolution to Postpone the Proposed 12.5 Million Dollar Parking Garage Bonding
  - e. SB31-97/98 Resolution for ASUM to Conduct A Survey of The University of Montana Campus concerning Transportation Issues
  - f. SB32-97/98 Resolution to Change the University Center's Room Rental Fee Structure
  - g. SB33-97/98 Resolution to Change the University Center's Governance Structure
  - h. SB34-97/98 Resolution to Oppose Recommended/Required Student Ownership of PCs
10. New Business
11. Comments
12. Adjournment

SENATE MEMBERSROLL  
CALL

Comments

PETER BAROVICH

JIM DRISCOLL

JONATHAN FLEURY

STEPHEN FORREST

KEVIN HIGGINS

ERIN KAUTZ

JOHN LAIR *Chris Doude*

PATIENCE LLEWELLYN

VICKY LORENZ

BRAD McCALL

MARK McCUE

KELLY MURPHY

AL-NAULT

MIKE OBLAND

AARON SCHENDEL

JEB SPENGLER

EMILY STRUVE

SHAWNA SUTHERLAND

JENNIFER WALEN

MICHAEL WEINHEIMER

ROLL

CALL

P		N						
P		N						
P	<i>John Fleury</i>	-						
P	<i>Resigned</i>	-						
P	<i>John Higgins</i>	-						
P		Y						
P		Y						
P		Y						
<i>ex</i>	<i>closed</i>	-						
P		N						
P	<i>John McCue</i>	-						
P		Y						
	<i>Resigned</i>							
P		N						
P		Y						
P		Y						
<i>Ex</i>	<i>closed</i>	-						
P		Y						
<i>ex</i>	<i>closed</i>	-						
P		Y						

ASUM OFFICERS

JEFF MERRICK

President

JENNIFER GARDNER

Vice-President

MATT SHIMANEK

Business Manager

P		Y						
P		Y						
P		Y						

FACULTY ADVISORS

PROFESSOR AUSLAND

P	<i>John Ausland</i>	-						

## ASUM SENATE MINUTES

April 15, 1998

Mt. Sentinel Room

Jair Gardner called the meeting to order at 6:13 p.m. Present: Merrick, Gardner, Shimanek, Barovich, Driscoll, Fleury, Higgins, Kautz, Llewellyn, McCall, McCue, Murphy, Obland, Schendel, Spengler, Sutherland, Vonde and Weinheimer. Excused were Lorenz, Struve and Walen.

The minutes of the April 8 meeting were approved.

### Public Comment

- a. Bruce Barrett, former director of ASUM Legal Services, urged Senators to make a decision regarding the ASUM/Law School contract proposal for ASUM Legal Services from the student viewpoint, weighing the pros and cons. Barrett took responsibility for some of the instability at Legal Services in the last year or so due to him reducing to half-time and then taking a leave of absence. He said there is a need for full-time management in the office.
- b. Third-year law student John Fillner cited a don't fix what isn't broken attitude toward Legal Services. He wouldn't like to see the clinic turned into a class.
- c. Ben Darrow urged the Senators to make some amendments to the ASUM/Law School contract before approving it. Some of the concerns he cited were quality or quantity enhancement of the program, the arbitration clause, intern case load assignments, autonomy issues and the 3100 hours of attorney time.

### President's Report

- a. Merrick urged Senators to attend the Student Recognition Reception at 4 p.m. April 28, UC third floor. New and outgoing senators and executives will be recognized at that time.
- b. Bike racks will be installed this summer according to the diagram distributed in Senator's boxes.
- c. Merrick hopes to have the UC hours in the Food Court lounge area extended for final week from midnight until 2 or 3 a.m.
- d. A transitional meeting will be held next week at Senate for new senators and executives.
- e. Campus Rec is bringing a consultant to campus April 28 and 29 to talk about plans for Schreiber Gym.

### Vice-President's Report

- a. On a motion by Schendel-Higgins and a previous question call by Barovich which passed, the following slate of committee appointments were approved by Senate: Parking Facility Task Force - Jen Gardner; Constitutional Review Board - Kris Copenhaver, Mike Laws, James Eggart, Sarah Hannah, Publications Board - Emily Struve.
- b. Gardner circulated a sign-up sheet for a meeting with the most recently appointed person to the Board of Regents.

### Business Manager's Report

- a. Diversity Advisory Council request for \$1,000 from Zero-Base Carryover approved by Budget and Finance for the full amount was passed by Senate on a motion by Schendel-Weinheimer.

### Committee Reports

- a. Obland/UC Board - SB32 was dealt with in committee and will not come before Senate. Fast food proposals are being considered.
- b. Llewellyn/University Affairs - SB29 and SB30 passed out of committee.
- c. Weinheimer/KBGA - Kurt Othmer was selected as the new General Manager.

**ASUM Senate Minutes**

**April 15, 1998**

**page two**

Weinheimer/ITPAC - the next meeting is Tuesday at 3:40 p.m. in the Gallagher Business Building.

- e. Kautz/SPA - SPA had a table in the UC to get out the vote. SPA is working on the loan origination fee.
- f. Fleury/Elections - Over 1800 students voted. Ballot counting will be tonight after Senate. Grievances will be considered tomorrow night. Fleury thanked everyone for their help. Senate gave a round of applause to Fleury and his committee.

**Unfinished Business**

- a. SB18-97/98 Resolution to Dissolve the \$100 Course Retake Fee - "Dissolve" was changed to "Oppose" on a friendly amendment by **Merrick** accepted by **Barovich**. The resolution will be passed on to next year's Senate.
- b. SB25-97/98 Resolution to Endorse the Attached Contract between ASUM and The University of Montana Law School (Exhibit A) was amended on a accepted friendly amendment by **Vonde** to change item C19 by adding: "Any arbitration pursuant to this paragraph shall be conducted entirely in Missoula County, Montana. A previous question call by **Higgins** failed. A motion by **Obland-Llewellyn** to postpone indefinitely failed after a previous question call by **Barovich** passed. A friendly amendment by **McCall** was accepted to change A3 to read: "A minimum of 3900 hours of work for ASUM Legal Services with at least 3100 of those hours dedicated to attorney time...recent years; student interns shall have caseloads similar (15 cases per two credit hours per semester) to the caseloads they have had in the past unless the Director and the ASUM President agree on an intern-by-intern basis to modify this caseload." **Merrick** also accepted a friendly amendment by **Sutherland** to change C18 by changing "June 30 2000" to "April 30 2000." A previous question call by **Higgins** passed, and the resolution failed.
- c. SB29-97/98 Resolution to Support a Dead Week Policy (Exhibit B). **Merrick** accepted a friendly amendment by **Higgins** to add: "and, THEREFORE LET IT BE FURTHER RESOLVED that "dead-week" be defined as the meeting of classes with no tests given except finals or lab finals the week before finals week." A previous question call by **Shimanek** passed, and the resolution passed.
- d. SB30-97/98 Resolution to Postpone the Proposed 12.5 Million Dollar Parking Garage Bonding (Exhibit C) had the title changed by substituting "Support the Postponement of" for "Postpone" on an accepted friendly amendment by **Merrick**. A friendly amendment by **McCall** was accepted to strike the final two words "in May" and add "until January 1999." A previous question call by **Shimanek** passed, and the resolution passed.
- e. SB31-97/98 Resolution for ASUM to Conduct A Survey of The University of Montana Campus concerning Transportation Issues - a motion by **Shimanek-Driscoll** to postpone until next week passed.
- f. SB32-97/98 Resolution to Change the University Center's Room Rental Fee Structure - dealt with in committee and will not come before Senate.
- g. SB33-97/98 Resolution to Change the University Center's Governance Structure - in committee
- h. SB34-97/98 Resolution to Oppose Recommended/Required Student Ownership of PCs (Exhibit D). A motion by **Weinheimer-Shimanek** to suspend House Rules to consider SB34 and to reinstate immediately following the vote passed. A motion by **Obland-Barovich** to pass the resolution was approved with **Merrick's** friendly amendment to add the sentence at the end: "This resolution is in effect for two years."

ASUM Senate Minutes

April 15, 1998

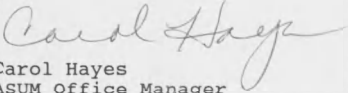
page three

● w Business

- a. Resolution to fulfill the commitment to support the bike program with \$500-\$1,000
- b. Resolution to help fund a tenant landlord booklet

Comments

The meeting adjourned at 8:46 p.m.



Carol Hayes  
ASUM Office Manager

**Resolution to endorse the attached contract between ASUM  
and The University of Montana Law School**

Whereas; ASUM is in search of a new ASUM Legal Services director; and,

Whereas; UM Law School has addressed student concerns by adjusting the contract accordingly;  
and,

Whereas; ASUM recognizes the potential benefit of having a new director with ample years of  
experience running and being a director of a law office; and,

Whereas; UM Law School can provide resources to ASUM that are not currently available;

**Therefore Let It Be Resolved**, that ASUM endorse the attached contract between ASUM and  
The University of Montana Law School.

Authored by:  
Jeff Merrick

Failed  
4/15/98

Memorandum of Agreement/Contract for Services  
April 14, 1998

The Associated Students of the University of Montana, through its President, Jeff Merrick, and the University of Montana School of Law, through the Dean, E. Edwin Eck, hereby agree to collaborate in the provision of legal services to University students through ASUM Legal Services.

- A. In exchange for **financial support** from ASUM in the amount of \$101,700 annually for three years beginning July 1, 1998, the Law School agrees to provide the following services:
  - 1) Legal services to individual students at the University of Montana, as indicated below:
    - A. Staff ASUM Legal Services for the 12 month fiscal year with one FTE director/faculty member/lawyer/supervisor (on a 12 month contract), one FTE staff attorney (or the equivalent), and one FTE support staff person (or the equivalent). The Law School will provide additional staffing during the academic year through law students enrolled in the Clinical Program. (Additional law student support may be available during the summer months, subject to law school resources and law student interest.)
    - B. Handle general civil matters in the areas of family law, landlord-tenant law, consumer law, contracts, insurance law and miscellaneous other areas at the discretion of the Director, and handle misdemeanor criminal cases;
    - C. Provide some representation of defendants in misdemeanor cases through the law school's Criminal Defense Clinic during AY '98-'99, with case selection to be determined jointly by the Director of the Criminal Defense Clinic and the Director of ASUM Legal Services;
    - D. Enhance services to ASUM students through a combination of the following: educational programs provided by the law school for ASUM students, more thorough representation in cases, careful screening of cases, expedient decisions regarding representation, a small number of criminal cases handled by the law school's Criminal Defense Clinic (in AY '98-99) and "advice-only" appointments;
  - 2) Advice, counsel and representation to ASUM Administration on student issues, including, but not limited to, issues relating to housing, transportation, the legislature, fees and budget issues, and issues concerning the City Council, the County of Missoula, the Board of Regents and the State of Montana;



*see minutes  
for change*

3) A minimum of 3100 hours of attorney time for supervision of interns and legal services to the ASUM Administration and to ASUM students annually. In addition, the Law School will provide student intern time equivalent to that which has been provided in recent years;

4) A minimum of two educational programs per semester under the auspices of ASUM for the general student body in selected areas of law, to commence on or before November 1, 1998; and

5) A financial contribution to ASUM Legal Services in the amount of no less than \$ 27,078 annually.

B. In exchange for the above services provided by the Law School, ASUM agrees to provide the following:

1) **Financial support** in the total amount of \$ 101,700 annually , which shall include \$98,587 from Student Activity Fees and \$3,700 from the ASUM Zero-Based Carry Over Fund toward the staffing and operation of ASUM Legal Services. ~~The annual sum of \$101,700 shall be paid annually in twelve monthly installments beginning on July 1, 1998.~~

2) Regular input on the types of services needed by ASUM students;

3) Direction on ASUM Legal Services' policy matters;

4) Furniture, incidental utilities and the space for the operation of ASUM Legal Services in its current location in the University Center. All furniture belonging to ASUM shall continue to be the property of ASUM and shall revert to ASUM in the event this contract expires, is not renewed, or otherwise terminates; and

5) The opportunity for ASUM Legal Services to request resources as needed from ASUM for unanticipated expenses and the purchase of new equipment pursuant to ASUM Fiscal Policy. Such requests, if approved, shall be funded in the amount of 80% from ASUM and 20% from the Law School. All purchases made with 80% of ASUM funding shall become the property of ASUM if this contract expires, is not renewed, or otherwise terminates.

C. ASUM and the Law School further agree that:

1) All decisions arising in the course of representation of individual ASUM students shall be made by the legal staff and individual ASUM student clients of ASUM Legal Services, as provided by the ethical standards and rules applicable to Montana

attorneys;

- 2) Individual case acceptance decisions shall be made exclusively by the legal staff of ASUM Legal Services. "Individual cases" are cases where a student seeks legal representation from ASUM Legal Services, not cases where ASUM seeks legal advice from ASUM Legal Services;
- 3) The legal staff of ASUM Legal Services shall protect the confidentiality of their clients at all times, as provided by the ethical standards and rules applicable to Montana attorneys;
- 4) The Director of ASUM Legal Services and the President of ASUM shall meet three times per year, at the start of each semester and following the election of new officers each spring, to discuss the operations of ASUM Legal Services and the services provided to ASUM students;
- 5) ASUM Legal Services shall not represent any student in a legal dispute against The University of Montana or the Montana University System and shall not represent any student in a legal dispute against another student of The University of Montana or the Montana University System;
- 6) ASUM Legal Services will serve as an advocate for ASUM in all nonadversarial relationships with The University of Montana and the Montana University System to the extent permissible by the ethical standards and rules applicable to Montana attorneys;
- 7) The accounts and financial records of ASUM Legal Services shall be closed as of June 30, 1998 and reopened in the name of "ASUM Legal Services: A Joint Project of ASUM and The University of Montana School of Law" effective July 1, 1998;
- 8) ASUM shall continue to have oversight and decision-making power regarding ASUM Legal Services' policies, such as categories of cases to be handled and categories of cases to be rejected. Nothing shall be done, however, which will increase the obligations to provide services as defined in Paragraphs (A)(1)(B) and (D), (A)(3), and (C)(16) ;
- 9) The Director/Faculty Member shall be responsible for keeping records of the number and types of cases handled. These records shall include all advice-only visits by students and numbers of students participating in educational programs. ASUM Legal Services shall provide a report to ASUM at least three times per year or upon request;
- 10) The Director/Faculty Member shall be hired by the Law School through a search

conducted by the law school Appointments Committee. Two members of the ASUM Administration shall be permitted to participate in the search process in the same manner that the Law School's Student Bar Association representative to the Appointments Committee participates, which shall include participating in the creation of the job description, reviewing resumes and choosing candidates for interviews, interviewing prospective candidates, and providing input into the Appointments Committee's recommendation to the Law School faculty. **The Law School agrees that a Director/Faculty Member candidate who is unacceptable to both of the two ASUM representative shall not be hired;**

- 11) The Director/Faculty Member shall be an employee of the Law School and shall be a member of the Clinical Faculty. The Director/Faculty Member shall have no scholarly publication requirements. The Director/Faculty Member shall serve on Law School committees as determined by the Law School Dean. He/she shall be prohibited from teaching any class unrelated to ASUM Legal Services.;
- 12) The Director/Faculty Member shall be hired on a contract for three academic years in duration and renewable annually. The Advisory Board established pursuant to Paragraph (C)(14) shall evaluate the Director/Faculty Member's performance annually and shall report the results of that evaluation and any recommendations to the Law School by no later than March 1st of each year.
- 13) The Staff Attorney and Support Staff shall be employees of The University of Montana ~~and paid by the Law School~~, and shall work under the supervision of the Faculty Director of ASUM Legal Services;
- 14) An Advisory Board, composed of the President of ASUM, a member of ASUM (to be selected by ASUM), a law student (to be selected by the Student Bar Association), a mutually agreeable member of the Clinical Board of Visitors, a mutually agreeable practicing attorney, the Law School Clinical Director, and the Director/Faculty Member of ASUM Legal Services, shall be established. The Advisory Board shall meet tri-annually and as needed to resolve issues of mutual concern;
- 15) The costs of any state-mandated salary increases for the Staff Attorney and Support Staff shall be divided equally between the Law School and ASUM. The costs of any salary increase for the Director/Faculty Member shall be borne by the Law School. The sums due in Paragraphs A, A(5) and B(1) shall be increased by one-half of the amount of any state-mandated salary increases for the Staff Attorney and Support Staff.

16) The Law School reserves the right to evaluate all cases and its representation of ASUM on the basis of merit and to insure that all legal work is conducted in a manner consistent with the ethical standards and rules applicable to Montana attorneys;

17) If the Law School elects to provide more than 3,100 hours of legal services and supervision of interns annually, ASUM is not obligated to increase its payment due under this agreement;

18) If either ASUM or the Law School elects not to renew this contract at the end of the current term, that party shall provide written notice to the other party no later than ~~June 30, 2000~~.

*See minutes for change*  
19) In the event of a material breach, the parties agree to enter into binding arbitration. The arbitrator shall be selected from a list of at least five names provided by the American Arbitration Association, with each party having the right to strike names from the list until there is only one remaining, who shall arbitrate the dispute. Costs of arbitration shall be borne equally by the parties.

20) The parties agree that nonrenewal of this agreement pursuant to paragraph 18 or any change made pursuant to paragraph 19 must be conducted in a manner that does not jeopardize the rights of the clients of ASUM Legal Services and the responsibilities of the legal staff pursuant to the ethical standards and rules applicable to Montana attorneys.

This contract shall commence on July 1, 1998 and terminate on June 30, 2001.

\_\_\_\_\_  
Jeff Merrick, ASUM President

\_\_\_\_\_  
Date

\_\_\_\_\_  
E. Edwin Eck, Dean, Law School

\_\_\_\_\_  
Date

*Effie B*

RESOLUTION TO SUPPORT A DEAD-WEEK POLICY

WHEREAS many universities and colleges nationwide have a successful dead-week policy,

WHEREAS students currently have tests given the week before finals week,

WHEREAS students are usually given an extensive final, often cumulative, during finals week,

WHEREAS students need sufficient time to study for finals so as to get good grades,

WHEREAS a test the week before finals and an exam the week of finals does not give students a sufficient amount of time to study,

THEREFORE LET IT BE RESOLVED that ASUM supports a "dead-week" policy be implemented, and

LET IT FURTHER BE RESOLVED that "dead-week" be defined as the meeting of classes with no tests given except finals or lab finals the week before finals week.

Authored by Patience Llewellyn and Jeff Merrick

*Passed  
4/15/98*

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*support the ment*

RESOLUTION TO POSTPONE THE PROPOSED 12.5 MILLION DOLLAR PARKING  
GARAGE BONDING

*Exhibit C*

Whereas; it is not clear whether the majority of students support the parking garage,

Whereas; student, faculty and staff input is crucial to any major ASUM and University decision,

Whereas; bonding projects need careful consideration from the whole university and a 12.5 million dollar debt is a substantial amount of money for any one project,

Whereas; it is possible and appropriate to conduct a survey to find out student, faculty, and staff sentiment,

Whereas; a scientific, accurate survey takes weeks to conduct,

Whereas; currently, the administration wants the bonding to be approved at the May Regents meeting,

Whereas; a low interest rate is not a substantial enough reason to go ahead with a controversial bonding project that affects everyone at the University.

THEREFORE LET IT BE RESOLVED:

That ASUM calls for the Administration to not bring the parking garage proposal to the Board of Regents meeting ~~in May~~ *until January 1999.*

AUTHORED BY: Patience Llewellyn

*Passed  
4/15/98*

**Resolution to Oppose Recommended/Required Student Ownership of PC's**

WHEREAS, ITPAC and the University are proposing a recommendation for all students to own a personal computer, and,

WHEREAS, many programs in the University do not offer programs or a curriculum compatible to necessary student computer ownership, and,

WHEREAS, many students, especially new freshman, regard a "recommendation" from the University as a "requirement," and,

WHEREAS, a computer is a large expense to be incurred, and

WHEREAS, full-time students are already paying a \$27.00 computing fee set to increase in May, and,

WHEREAS, computer labs are often sufficient for a large number of students, and,

WHEREAS, the decision to buy a computer is ultimately a student's personal choice to be made based upon his/her program of study and the actual amount of computer use needed,

**THEREFORE, LET IT BE RESOLVED,** The Associated Students of the University of Montana do not support an institutional "recommendation" for all students to own a personal computer, nor do they support suggestive language which may be construed as a recommendation for computer ownership. *This resolution is in effect for two years.*

Authored by: Mike Weinheimer

*Passed  
4/15/98*