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The Associated Students of The University of Montana

Resolution Updating the ASUM Constitution

April 22, 2009

Senate Bill SB58-08/09

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**Sponsored by: Siri Smillie, ASUM Vice President; Tony Brockman, ASUM Senator;
Adina Kaliyeva, ASUM Senator**

Whereas, the ASUM Constitution is in need of general revision, clarification, and update;

Therefore, Let It Be Resolved that ASUM amends its Constitution in the following ways:

Article 1: Name and Membership

Section 1 . The name of this organization shall be the Associated Students of the University of Montana.

Section 2 . For the purposes of this Constitution, member shall be defined as any Student Activity Fee paying student of the University of Montana.

Section 3 . For purposes of this Constitution, student shall be defined as anyone currently enrolled in The University of Montana.

Article 2: Associated Government

Section 1 . ASUM shall be the representative body of the members of the Association, organized exclusively for educational and non-profit purposes. The primary responsibility of the Association is to serve as an advocate for the general welfare of the students.

Section 2 . ASUM may also cooperate with other student associations to further common interests.

Section 3 . The government and activities of the Association shall be carried on through (1) the Association as a whole with a general governing body known as the ASUM Senate, (2) an executive, consisting of the ASUM President, Vice President, and Business Manager, and (3) boards and standing committees as provided for in Article 5 of this Constitution.

Section 4 . The ASUM government and activities must comply with Montana State law and the policies of the Montana Board of Regents on Higher Education.

Article 3: Executives of the Association

Section 1 . The executive officers of the Association shall be the President, Vice President, and Business Manager.

Section 2 . Duties and responsibilities of the President shall include:

(a) The President shall be the official spokesperson of the Association.

(b) The President may sit as a non-voting, ex officio member on all ASUM committees and boards except the Constitutional Review Board specified in Article 12, Section 2.

(c) The President may call emergency meetings of the ASUM Senate. Notices of all such meetings shall be published or posted prominently and must be communicated to the Vice President and to the ASUM Senate at least 24 hours in advance.

(d) In cooperation with the Vice President, the President shall make recommendations for all ASUM appointments.

(e) The President shall submit a budget recommendation to the ASUM Senate annually during the month of February.

(f) In the absence of the Vice President, the ASUM President shall act as Chair for ASUM Senate meetings.

(g) The President shall follow the expressed policies and Bylaws of ASUM.

Section 3 . Duties and responsibilities of the Vice President shall include:

(a) In addition to carrying out those duties specifically delegated to the Vice President by the President, the Vice President may sit as a non-voting, ex officio member on all ASUM boards and committees except the Constitutional Review Board.

(b) The Vice President shall

(1) act as committee whip to oversee all ASUM committees and make recommendations to the President, and

(2) act as a liaison between the President and ASUM committee chairs.

(c) The Vice President shall act as Chair for all ASUM Senate meetings.

(d) The Vice President shall call meetings of the ASUM Senate at least once a month during the school year.

Section 4 . Duties of the Business Manager shall include:

(a) The Business Manager shall be financial manager of ASUM under the direction of the ASUM Senate.

(b) The Business Manager shall be responsible for keeping accurate records of the accounts of ASUM and all organizations receiving funds from ASUM.

(c) The Business Manager shall be responsible for overseeing the safekeeping of any ASUM property received by an organization or individual.

(d) The Business Manager shall chair the Board on Budget and Finance.

(e) The Business Manager shall submit a fiscal policy to the ASUM Senate for its annual approval.

Section 5 . The President, Vice President or Business Manager may be removed from office by

(a) a two-thirds (2/3) vote of the Senate and

(b) a majority vote (50% plus one) of at least 12% of the ASUM membership as defined in Article 1, Section

(c) If any Executive Officer cannot serve, the order of succession shall be (1) Vice President, (2) Business Manager, and (3) a member of the ASUM Senate, chosen by ~~the~~ *a two-thirds (2/3) majority vote* of the ASUM Senate.

Article 4: ASUM Senate

Section 1 . The ASUM Senate shall be composed of

(a) the voting members

(1) twenty (20) 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.

Section 6 . The ASUM Senate may enter executive session upon recommendation of the ASUM President, Vice President, Business Manager or Senators.

Section 7 . Meetings shall be conducted in accordance with Robert's Rules of Order.

Article 5: Committees

Section 1 . The affairs and activities of ASUM shall be handled through such standing committees as enumerated in the Bylaws and any other committee which the ASUM Senate shall deem necessary for the administration of ASUM.

Section 2 . Committees shall be subject to the general supervision of the ASUM Senate, and new committees shall be brought before the Senate for approval.

Section 3 . All chairs and members of these committees shall be recommended for appointment by the President of ASUM and confirmed by the ASUM Senate by a two-thirds (2/3) vote.

Article 6: Agencies and Member Groups

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

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

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

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

(a) Agencies and member groups shall adhere to the ASUM Constitution, Bylaws, and Fiscal Policy.

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

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

Article 7: Elections

Section 1 . Only members as defined by Article I of this Constitution are eligible to hold or run for any elective or appointed position in the Association, except for certain initiatives defined in this Constitution. All students registered for one credit or more are allowed to vote in any ASUM election. In order to hold any elective or

appointed position, a member must be in good standing, which is defined as maintaining a 2.0 cumulative grade point average. No person shall hold or be a candidate for any two of the ASUM elective positions listed in Article 4, Section 2 at the same time.

Section 2 . Elective procedures shall be enumerated in the Bylaws.

Section 3 . Senators and Executives of the Association shall be elected during the General Elections as specified in the ASUM ~~House Rules~~ *Bylaws*.

Section 4 . Election to ASUM Senate and Executive office shall require:

(a) Members of the Association may file for candidacy for the office of Senator by petitions signed by *at least* fifty (50) registered students *and may file for candidacy for the office of Executive or Business Manager by petitions signed by at least one hundred (100) registered students.*

(b) The Senate will be composed of twenty (20) candidates who receive the largest number of votes in the ASUM General Elections.

(c) The term of office for Senators and Executives shall extend from ~~two weeks~~ *one (1) week* after the General Election until ~~two weeks~~ *one (1) week* after the following year's General Election.

Article 8: Finance

Section 1 . The Association shall be supported and maintained by funds derived from the following sources: (1) student activity fees; (2) receipts from all entertainment, and activities conducted under the supervision of the Association; (3) proceeds derived from the associated organizations; and (4) donations.

Section 2 . The Board on Budget and Finance shall be composed of seven (7) members, including the Business Manager as Chair, at least one but not more than two ASUM Senators, and at-large student members. Board appointees will be recommended by the President in consultation with the Business Manager and confirmed by a two-thirds (2/3) vote of the ASUM Senate. The Board shall be responsible for advising ASUM on all fiscal matters.

Section 3 . The President shall follow the budget procedure enumerated in the Bylaws when preparing the annual budget recommendation. The President's budget recommendation shall be submitted as a seconded motion to the ASUM Senate during the month of February.

Section 4 . The Board on Budget and Finance shall be responsible for developing an annual Fiscal Policy, subject to two-thirds (2/3) approval of the ASUM Senate. ASUM will consistently use this annual Fiscal Policy in making all financial decisions. The statement of policy shall be made available to the public.

Section 5 . The fees, donations, and receipts from any source are to be used only for the purposes of ASUM under the control of the ASUM Senate. All funds shall be managed in accordance with state and federal laws, and Board of Regents policy. All grants to organizations shall be accompanied by a disclaimer of liability. No incumbent of any officially elected position of the Association shall receive any compensation by virtue of that position except for that specified within the Fiscal Policy.

Section 6 . The ASUM Executives shall receive for their services a compensation which shall neither *voluntarily* increase nor *voluntarily* diminish during the time they serve in office.

Section 7 . Any ASUM funds remaining in an association account at the end of the fiscal year shall be transferred to the ASUM Reserve Fund as soon as reasonable accounting permits. The ASUM Senate may authorize any association account to retain its year-end balances.

Article 8: Finance

Section 6 . The ASUM Executives shall receive for their services a compensation which shall neither *voluntarily* increase nor voluntarily diminish during the time they serve in office.

Article 9: Publication and Broadcast Boards

Section 1 . There will be a Publications Board, as required by the Montana Board of Regents on Higher Education. The purpose of the Board is to appoint the Editor and Business Manager of the Montana Kaimin, and to oversee general operations of all ASUM publications, without infringing on First Amendment rights.

Section 2 . The Publications Board will consist of ~~seven~~ *eight* voting members, chaired by the ASUM Business manager. The Pub Board will consist of one ASUM Senator, ~~one~~ *two* student-at-large positions, the Kaimin Editor, the Kaimin Business Manager, the Kaimin Faculty Advisor, and a ~~Business School~~ faculty member, appointed by the ~~Office of the Provost Dean of the Business School~~, as voting members. The ASUM Office Accountant shall serve as an ex-officio, non-voting member on the Publications Board.

(a) In meetings where the issue is the performance of the Kaimin Editor or Business Manager, a quorum of the Publications Board will appoint another student to replace the person whose conduct is at issue.

(b) A Publications board meeting may be called by the Kaimin Editor, the ASUM Business Manager, or a quorum of the Board. The Board shall meet at least monthly during the regular school year.

(c) Appeal from any Board decision will be made to the ASUM President, and then to the ASUM Senate. Appeals involving Constitutional questions may be made to the ASUM President, and then to the ASUM Senate. Appeals involving Constitutional questions may be made to the ASUM President, and then the ASUM Constitutional Review Board.

(d) The Board shall adhere to the ASUM Constitution and Bylaws.

Section 3 . There will be a Broadcast Board, as required by the Montana Board of Regents on Higher Education. The Board will oversee student radio and other future student broadcast operations without infringing upon first amendment rights. The Broadcast Board will approve all major format or structural changes, as well as approval of the operations budget which is to be submitted by the General Manager on a yearly basis, and will also be responsible for the yearly appointment of the General Manager. The Board will have the responsibility for overseeing all student broadcast activities.

Section 4 . The Broadcast Board will consist of seven (7) members and shall be chaired by ASUM at-large student, who may make or break a tie. The other six members shall consist of the General Manager, faculty member of the Radio and Television Department chosen by the Chair of the Department. Two ASUM at-large students, one member from the ASUM Senate, and the Director of Information and Technology or designee.

Section 5 . The Broadcast Board shall adhere to the ASUM Bylaws, and the student radio station, which is funded by fees, will be referred to in the Bylaws as the Radio Board. All other student broadcast organizations will be overseen by the Broadcast Board and have respective boards under the ASUM Bylaws.

Article 10: Constitutional Referenda

Section 1 . This Constitution may only be changed by amendment or revision submitted to the members of the Association as a Constitutional Referendum.

Section 2 . Upon the petition of five percent (5%) of the membership of the ASUM, or an ASUM policy calling for the support of a new University of Montana or ASUM fee, the ASUM Senate shall be obligated to conduct a referendum. Alternatively, the Senate may initiate a referendum by a two-thirds (2/3) vote. In order to pass, at least twelve percent (12%) of ASUM members must vote, and a majority (50% plus one) of those voting must vote to ratify the referendum proposal. Notice of such a referendum must be published in the Montana Kaimin in each of the four (4) issues preceding the referendum voting date.

Article 11: Initiative

Section 1 . An ASUM Senate-generated initiative may be submitted to members or students, as defined in Article 1, as determined by the Senate.

Section 2 . A member-generated initiative will be submitted to the members of the Association if the initiative involves a change in the ASUM Bylaws. If a change involves ASUM policy, a student-generated initiative may be submitted to a vote of all students.

Section 3 . Votes involving changes of Bylaws or ASUM policy may be initiated by the ASUM Senate or by a petition of five percent (5%) of the members of the Association.

Section 4 . In order for an initiative to produce a binding change in the ASUM Bylaws or policy, twelve percent (12%) of eligible voters must vote and a majority (50% plus one) must vote to approve such a change.

Article 12: Constitutional Review Board

Section 1 . There shall be a Constitutional Review Board which will decide upon questions relating to the constitutionality of ASUM Bylaws or policies.

Section 2 . The Constitutional Review Board shall consist of five (5) members recommended by the President and confirmed by a two-thirds (2/3) vote of the ASUM Senate. No ASUM Executive or Senate member may serve as a member of the Constitutional Review Board.

Section 3 . Any member of the Association may petition the Board to review any matter concerning the constitutionality of ASUM Bylaws or policies.

Section 4 . All decisions made by the Constitutional Review Board shall be binding. Appeals to decisions of the Board shall be in the form of a Constitutional Amendment.

Section 5 . Decisions of the Board shall be enforced by the relevant boards, executives, or the ASUM Senate. If decisions are not enforced, the Board shall initiate removal proceedings against the relevant officer or member. The Board may direct the Board on Budget and Finance to freeze funds of a board, committee, or other part of ASUM which is not in compliance with the Constitution.

Article 13: Enactment and Status of the Constitution

Section 1 . In the event of a conflict between this Constitution and any Bylaws or policy of ASUM, the Constitution shall be considered superior.

Section 2 . This Constitution shall replace and repeal all previous Constitutions.

Section 3 . This Constitution is, pursuant to Section 506.2 (1) of the Montana University System Policies and Procedures Manual, subject to approval by the President of the University of Montana.

Section 4 . This Constitution shall go into effect February 1, 1988. A majority vote of Association members voting in a special election will be sufficient to ratify this Constitution. The term of office of any person in any ASUM position shall continue until two weeks following the March 1988 elections.

Article 14: Recall Mechanism

Section 1 . Any ASUM officer (President, Vice-President, Business Manager, or Senator) may be recalled from office for grounds with a 60% majority vote of at least 23% of the ASUM membership as defined in Article 1, Section 2.

Section 2 . Grounds will include, but not be limited to, any violation of the specific office's duties as defined in the ASUM Constitution, ASUM Bylaws, ASUM House Rules of Order, ASUM Personnel Policy, or other governing documents. Other grounds will only be accepted if they satisfy cause for termination as defined by Montana State law.

Section 3 . A recall election will be held between two and four weeks following the submission of the signatures of 5% of the ASUM membership as defined in Article 1, Section 2. If the election dates as mandated would conflict with Finals Week or a University holiday, the election may be postponed until the first Wednesday and Thursday of classes following.

Section 4 . The Election will be held on a Wednesday and conclude on the immediately following Thursday with the polls to be open for at least seven (7) hours each day. The process will be supervised by the ASUM Elections Committee.

Section 5 . Vacancies created by recall shall be filled as follows:

(a) For Executive Officers, following the order of succession stated in Article 3, Section 5.

(b) For Senators, following the presidential appointment procedure specified in Article 4, Section 2.

Section 6 . The recall procedure detailed in Article 14 shall be effective immediately if passed according to the initiative process detailed in Article 11.

Passed by Committee: _____, 2009

Passed by Senate: _____, 2009

Andrew Dusek,
Relations and Affairs Chair

Siri Smillie,
Chair of the Senate