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Documents from the February 9, 1994 meeting of the Associated Students of the University of Montana (ASUM)

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ASUM SENATE AGENDA
February 9, 1994
Mount Sentinel Room - 6 p.m.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes - February 2, 1994
4. Public Comment
5. President's Report
 - a. Communications Intern - Mary Ann Pierson
 - b. Future Projects
6. Vice President's Report
 - a. Committee Appointments
 - b. Vice-President Replacement
 - c. Announcements
7. Business Manager's Report
 - a. Meeting Cancellation
 - b. Special Allocation - Woodsmen Team
 - c. Fiscal Policy Change
 - d. Funding Category Percentages
8. Committee Reports
9. Unfinished Business
 - a. SB115 Resolution to Take Position on Semester Calendar - in committee
 - b. SB118 Resolution for A Sustainable University Center - in committee
 - c. SB119 Resolution for A Sustainable Campus - in committee
 - d. SB122 Resolution to Revise Vice Presidential Duties - in committee
 - e. SB130 Resolution to Ensure Opportunity to Enter New Business - in committee
 - f. SB131 Resolution to Oppose Proposed University Funding Model - in committee
 - g. SB133 Resolution for Ballot Issue to Repeal Executive Meetings
 - h. SB134 Resolution to Accept Amendments to House Rules and Bylaws
 - i. SB135 Resolution for Letter Supporting Repeal of the Montana Deviate Sexual Conduct Law
10. New Business
11. Comments
12. Adjournment

ASUM SENATE TALLY SHEET

Committee
as summit group
134
Committee
Future
Registration
18th
Ballot
15th
3rd
Comments

DATE

February 9, 1994

SENATE MEMBERS

JOSH ARNOLD

ELDENA BEAR DON'T WALK

~~THE SEINER~~
~~DONIELLE BOYLE~~

JAMES BROWN

TIM CROWE

MOHAMMAD FAROOQUI

~~SHAWN PAST~~
Joao Zamageli

ALLISON GRANT

BETTY GREGORY

JODY HAMMOND

EVAN KATZMAN

HILARY KUNTZ

JON LINDSAY

MICHELE MATHER

JENNIFER PANASUK

ALISON REDENIUS

BENJAMIN REED

TANA ROGERS

TERESA SCHLOSSER

LEWIS YELLOW ROBE

Susan Arnold
Ex Officio

ASUM OFFICERS

J. P. BETTS

President

JOLANE FLANIGAN

Vice-President

ED HOFFMAN

Business Manager

FACULTY ADVISORS

PROFESSOR AUSLAND

Professor K17

ROLL
CALL

P	n	y	y	y			
P	y	y	n	y			
P	n	y	y	y			
P	n	y	y	y	un- exposed		
P	y	y	y	y			
P	y	y	y	y			
P	y	y	y	y			
P	n	n	y	y			
P	n	y	y	y			
P	y	y	y	y			
P	y	y	n	y			
Ex posed	-	-	-	-			
P	y	y	y	y			
6:13	n	y	n	y			
P	y	y	y	y			
P	y	y	y	y			
un- exposed	-	-	-	-			
P	y	y	y	y			
P	y	y	y	n			
Ex posed	-	-	-	-			

P - - - y

P	y	y	-	y			
P	-	-	a	y			
P	y	y	y	y			

8:10	-	-	-	-			
-	-	-	-	-			

ASUM SENATE MINUTES
February 9, 1994
Mount Sentinel Rooms - 6:00 p.m.

Chair Flanigan called the meeting to order at 6:07 p.m. Present: Betts, Flanigan, Hoffman, Arnold, Bear Don't Walk, Brown, Crowe, Deines, Farooqui, Grant, Gregory, Hammond, Katzman, Lindsay, Mather (6:13), Panasuk, Redenius, Rogers, Schlosser and Tomazeli. Excused were Kuntz and Yellow Robe. Unexcused was Reed.

The minutes of the February 2nd meeting were approved as written. Hoffman requested that the January 19 minutes be amended to show that Senate passed SB120 (Exhibit B in the January 19 records) approving a poll on the semester calendar to be included in the budget packet. Upon investigation, this was found under b. in the SPA Committee Report heading on page one.

Public Comment

*Ross Best updated Senate on the Fort Missoula property. Ted Delaney of the UM Foundation denied a request to review the contract between UM Foundation and Divot Corporation for the land sale.

*Jeff Ruff of UM Golf Club, Michelle Henderson of American Indian Business Leaders, Paul Belanger of U of M Outing Club, Howard Terry of Wild Rockies Cooperative and Michael Krebs of International Wildlife Film Festival (to be held April 2-9) talked about their respective groups.

President's Report

- a. Mary Ann Pierson was approved as ASUM communications intern.
- b. Betts stressed the need for Senate to work with SPA to have a recommendation ready for the Board of Regents meeting in March concerning budgetary cuts. A schematic for office renovations is being completed by Chris Mulkey at Physical Plant. A suggestion was made for Panasuk and Redenius as former Senators to spearhead a renovations committee.

The Chair invited Senate alternate Susan Arnold to sit at the Senate table as an ex-officio member with no voting privileges.

Business Manager's Report

- a. Senate approved a Woodsmen Team Special Allocation request for \$2,000.

(At this time Senate officially approved Susan Arnold as an ex-officio member at the Senate table.)

- b. A motion by Hoffman to cancel the February 23rd Senate meeting to be replaced by formal/informal lobbying from 5:15 p.m. - 11 p.m. passed.
- c. Senate passed a fiscal policy change on final budgeting presented to Senate under seconded motion status by Budget and Finance (Exhibit A).
- d. Senate approved Budget and Finance budgeting percentages (Exhibit B).

Five-minute recess

Vice-President's Report

- a. Senate approved the following appointments: SPA - Tye Deines; Academic Standards & Curriculum Review, Admin. and Finance - Joao Tomazeli; Student Eval. Comm. for Library Faculty, Library & Archives, Campus Rec. & Sports, Scholarship & Financial Aid Student Complaint Committee - Susan Arnold.

- b. The Senator nominations for ASUM Vice-President were: Eldena Bear Don't Walk, Tim Crowe, Jon Lindsay and Jennifer Panasuk. Tim Crowe was elected on a three ballot paper vote - the person receiving the least votes dropping out after each vote.
- c. Flanigan will have a short goals meeting next week. She requested complaints be put in her box to reconsider in positive goal form.

Committee Reports

*Mather verified that elections will be held February 14-16.

*Redenius announced that interested persons should attend the Athletic Committee meeting next Tuesday at 1:15 p.m.

*Panasuk reported on SPA activities. She reported the UC 25th anniversary celebration was a success. She has information about UC Board activities.

*Grant reported on University Affairs Committee.

*Brown requested Panasuk speak to University Affairs Committee at Monday's meeting about her resolution on a sustainable campus.

*Hoffman will answer budgeting questions next week.

*Gregory reported only two students and 24 golfers attended the input session for family housing. The bathrooms are the biggest issue because of the need for accessibility and the effect this will have on size.

*Gregory offered the following groups for recognition:

American Indian Business Leaders (Academic) - **Betts-Katzman** motion to approve passed. Amnesty International (Support) - A motion to re-categorize from Political to Support passed 13-6 on a roll call vote. The group was approved for recognition on a roll call vote 18-1. **Crowe-Hoffman** moved to slate the remaining group - Students for Economic Justice (Political), U of M Golf Club (Campus Rec), and Goddess Gifts (Support). With no objection, this was accepted by the Chair. **Farooqui's** request that Goddess Gifts be removed from the slate for separate consideration passed 11-5. The other two groups were approved for recognition. **Lindsay-Crowe's** motion to table Goddess Gifts pending further information passed.

*Grant volunteered to fill Katzman's vacant seat on the Drug and Alcohol Committee. Katzman has a schedule conflict this semester.

*J. Arnold spoke at City Council during Public Comment on the housing ordinance that is being considered. A subcommittee meeting will be held at 8 a.m. Wednesday, February 16, at City Hall.

*Crowe and Lindsay reported on the UC Board situation regarding Copper Commons' weekend hours and stressed the importance of committee distribution of minutes to the proper people.

*Flanigan said that Student Advisory Committee is working on the budget.

(The gavel was passed from Flanigan to Betts.)

*The Referendum for Repeal of Article 3 Section 3D of the ASUM Constitution, Referendum for the Change of Article 7, Section 3 of the ASUM Constitution and Referendum for the Addition of a Recall Mechanism to the ASUM Constitution (Exhibit C) with friendly amendment changes/additions for the special election ballot were passed 15-3 with one abstention.

(The gavel was passed from Betts back to Flanigan.)

Unfinished Business

- a. SB115 Resolution to Take Position on Semester Calendar (Exhibit D). **Panasuk** (as a sponsor) substituted the original two WHEREAS statements for the committee's replacements. Also, "Be it resolved...poll" was added on to read "to be held at the same time as the ASUM special election." A call of previous question by **Lindsay-Rogers** passed 12-5. Upon immediate vote, the resolution passed 18-1.

A motion by **Hoffman-Deines** to adjourn at 10:45 failed.

A motion by **Crowe-Schlosser** to move to New Business passed 13-6.

New Business

- a. Resolution that any member of Senate who is an officer of a group may not vote on that group's budget
b. Resolution to form constitutional redraft committee with members appointed by Senate Chair
c. Resolution to make additions to recognition form
d. Resolution to form a steering committee
e. Resolution to repeal SB125/126
f. Resolution to start book loan program

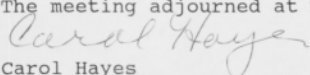
A motion by **Panasuk-Redenius** to return to Unfinished Business passed.

Unfinished Business (continued)

- b. SB118 Resolution for A Sustainable University Center - in committee.
c. SB119 Resolution for A Sustainable Campus - in committee.
d. SB122 Resolution to Revise Vice Presidential Duties. Senate passed this as part of the approved ballot for the special election.
e. SB130 Resolution to Ensure Opportunity to Enter New Business at Senate Meeting - merged with SB134.
f. SB131 Resolution to Oppose Proposed University Funding Model - in committee.
g. SB133 Resolution for Ballot Issue to Repeal Executive Meetings - in committee.
h. SB134 Resolution to Accept Amendments to House Rules and Bylaws (Exhibit E). A friendly amendment by **Arnold** on grammar/spelling/typos was accepted by **Redenius**. A motion to table until next week for Office Manager review for typos, etc. failed. An objection to consideration by **Betts** to **Katzman's** amendment of Article II, Section 1, A.2. passed. Upon an amendment by **Katzman-Arnold**, a motion by **Lindsay-Schlosser** to table the amendment indefinitely passed 15-4. The Resolution passed.
i. SB135 Resolution for Letter Supporting Repeal of the Montana Deviate Sexual Conduct Law (Exhibit F). A previous question call by **Deines-Lindsay** passed 14-5. Upon immediate vote, the resolution passed.

Comments (It was agreed to limit comments to two minutes per person.)

The meeting adjourned at midnight.


Carol Hayes
ASUM Office Manager

FISCAL POLICY CHANGE

WHEREAS, ITEM 6.113 in the Fiscal Policy suggests an unorganized, unfair system for final budgeting,

WHEREAS, A fair, organized, and less political method should be implemented,

THEREFORE, the Board on Budget and Finance suggests the following system to be implemented and replace ITEM 6.113 in the Fiscal Policy.

ITEM 6.113 Final budgeting will be organized and run in the following system:

Note: In ITEM 6.113 "Executives" refers to the President and Business Manager, not the Vice President or Chair.

Budgeting will be done by funding categories. The order in which categories will be addressed will be selected on a lottery basis at the beginning of final budgeting. The order drawn will be followed until all categories have been discussed.

After the order has been drawn, each Senator and Executive shall have the right to recognize one group or organization's budget request within the category being considered. After every Senator and Executive has had this opportunity, another round of budgeting shall commence, but during this round the Senate and Executives may discuss a group or organization within the category any number of times. During any round of budgeting, budget line-items may be increased or decreased by a simple majority vote. This process shall continue until all Senators and Executives are finished discussing groups within that category. Upon finishing a category, that category will be closed by a two-thirds majority vote.

At this point the next category, as chosen by lottery, will be brought up for discussion and will follow the same order as above.

If a surplus of money still exists when all categories have been reviewed, a new category order will be drawn. At this point the Senators and Executives may increase, but not decrease, group or organization budget line-items within the category being considered.

NOTE: On the right is the Boards recommendation, when comparing to history, on left, please compare with actual \$\$ not percentage. This is to be discussed at upcoming Senate meeting 2/9/94. *EH*

Exhibit B

BOARD ON BUDGET AND FINANCE RECOMMENDATION

Amount to be budgeted 477000.00

(A)

Broad-Based Student Services: % 34.00
Child Care, Legal Services \$ 162189.00
Tutoring

(B)

Programming/Special Events/ 16.00
Campus Life: 76320.00
Programming, Homecoming
Wildlife Film Festival

(C)

Campus Recreation: 3.00
Campus Rec, Rugby Club, 14310.00
Golf Club, Hockey Club

(D)

Student Publications: 5.95
Montana Kaimin, Cutbank 28390.00

(E)

Student Support Services: 15.05
BSU, ISA, IFC, Panhellenic 71780.00

(F)

Academic Organizations: 8.00
Ad Club, SAF, Wildlife 38160.00
Society

(G)

ASUM Administrative Agencies 16.00
76320.00

(H)

Senate Discretionary 2.00
9540.00

PERCENT BUDGETED 100.00
AMT. BUDGETED 477000.00

History of Funding Categories Percentages of Annual ASUM Budgets

	FY 86-87	FY 87-88	FY 88-89	FY 89-90	FY 91-92	FY 92-93	FY 93-94	7 Year Average
(A) Broad-Based Student Services: Child Care, Legal Services Tutoring	% 21.66 \$* 95700 ER*	20.98 87900	24.43 95600	25.63 104900	22.07 112557 (24)	29.12 155770 (24)	30.11 161117 (31)	24.86 116221
(B) Programming/Special Events/ Campus Life: Programming, Homecoming Wildlife Film Festival		20.94 92500	18.82 78900	17.74 69400	18.10 74100	15.04 76704 (15)	15.77 84390 (16.5)	15.53 83091 (15)
(C) Campus Recreation: Campus Rec, Rugby Club, Golf Club, Hockey Club		13.44 59400	12.81 53700	11.45 44800	13.31 54500	11.67 59517 (13.25)	11.01 59145 (9)	10.21 54640 (7)
(D) Student Publications: Montana Kaimin, Cutbank		5.03 22200	5.54 23200	6.16 24100	4.20 17200	13.59 69309 (6.5)	7.76 41600 (7)	7.63 40811 (5)
(E) Student Support Services: BSU, ISA, IFC, Panhellenic		7.12 31500	9.95 41700	7.41 29000	8.51 34900	11.17 56967 (12)	13.08 70000 (11)	13.40 71663 (13)
(F) Academic Organizations: Ad Club, SAF, Wildlife Society		5.49 24200	4.16 17400	3.68 14400	4.57 18700	5.69 29019 (7.25)	7.64 40900 (7)	8.38 44813 (10)
(G) ASUM Administrative Agencies		26.32 116300	27.74 116200	29.13 114000	25.68 105000	20.77 105927 (18)	15.36 82200 (22.5)	14.74 78865 (17)
(H) Senate Discretionary								

Total Budget Allocation 441800 419000 391300 409300 510000 535000 535000

* % = ACTUAL PERCENT BUDGETED

* \$ = ACTUAL AMT. BUDGETED

* ER = EXECUTIVE RECOMMENDATION

REFERENDUM FOR THE REPEAL OF ARTICLE 3 SECTION 3D
OF THE ASUM CONSTITUTION

Article 3, Section 3D of the ASUM Constitution currently reads:
"The Vice President shall vote only in the case of a tie."
Article 3, Section 3E shall be renumbered Article 3, Section 3D

IN FAVOR OF REPEAL _____ NOT IN FAVOR OF REPEAL _____

REFERENDUM FOR THE CHANGE OF ARTICLE 7, SECTION 3
OF THE ASUM CONSTITUTION

Article 7, Section 3 of the ASUM Constitution currently reads:
"Senators and Executives of the Association shall be elected
during the ASUM General Elections to be held each year during the
month of May."

Article 7, Section 3 shall read:
"Senators and Executives of the Association shall be elected
during the General Elections as specified in the ASUM House
Rules."

IN FAVOR OF CHANGE _____ NOT IN FAVOR OF CHANGE _____

REFERENDUM FOR THE ADDITION OF A RECALL MECHANISM
TO THE ASUM CONSTITUTION

Article 14 shall read:

- "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 12% 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 be 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."

IN FAVOR OF ADDING ARTICLE 14 _____
NOT IN FAVOR OF ADDING ARTICLE 14 _____

SB-115
University Affairs

Whereas, the University of Montana faculty Senate has asked ASUM to take a position on the possible changes in the semester calendar, and

Whereas, these changes will have far-ranging impacts on the students of the University of Montana,

Be it resolved that ASUM conduct the following poll to be held at the same time as the special election.

Semester Calendar Revisions

Semester calendar revisions are being considered.
Alternatives to the current semester calendar are as follows:

Alternative A- Traditional: First semester starts in mid-September. A short holiday break in December is followed by finals in January. Another break follows finals. Second semester begins in February and ends in early June. Class periods are fifty(50) minutes long.

Alternative B- Shorter semester with sixty(60) minute class periods: First semester starts in early September and ends in December. Second semester begins in January and ends in early May. Class periods are sixty(60) minutes long.

If you prefer the current calendar to both of the above alternatives, please answer question #1 only.

If not, please answer question #2 only.

Question #1- I prefer the current semester calendar. My alternative choice is:

- A. Alternative A.
- B. Alternative B.

Question #2- I do not prefer the current semester calendar. My first preference for revision is:

- A. Alternative A.
- B. Alternative B.

*This is a non-binding survey intended to direct ASUM on which position to take regarding semester calendar revision.

Sponsored by: Senator Shawn Fast
Senator Jennifer Panasuk
Senator Alison Redenius
President J.P. Betts
(Amended in committee)

Exhibit E

SB 134
ASUM Affairs

RESOLUTION TO ACCEPT AMENDMENTS TO HOUSE RULES AND BYLAWS

WHEREAS ASUM Affairs spent three months reviewing and amending these two documents, :

WHEREAS the ASUM Senate has had one week to review these documents in their amended form,

WHEREAS ASUM Affairs has reviewed each amendment and accepted each amendment,

BE IT RESOLVED that the ASUM Senate accept amendments into the House Rules and Bylaws, and accept the aforementioned documents as ASUM policies.

Sponsored by ASUM Affairs Committee

Because state law in Montana discriminates against the gay and lesbian community, directly affecting students at the University of Montana,
Because the University of Montana advocates diversity and an environment free of discrimination for all its students,
Because students at the University of Montana are discriminated against under state law and this is intolerable,
Because Montana State Law violates personal privacy and individual dignity and this is in conflict with its own laws for right to personal privacy and right to dignity,
Therefore Be It Resolved that ASUM, acting on behalf of the students at the University of Montana, direct the following letter to Diane Sands and the Montana Women's Lobby, in support of the lawsuit against the State of Montana, for the repeal of the Montana Deviate Sexual Conduct Law. Further, ASUM directs Bruce Barrett, Legal Counsel for ASUM, to file an amicus curiae on behalf of the plaintiffs.

To Whom It May Concern:

The Associated Students of the University of Montana, striving for protection of all human rights guaranteed in the State Constitution, and an end to discrimination and harassment, do hereby support the lawsuit to fight the Montana Deviate Sexual Conduct Law. The University advocates diversity, protection of privacy and human rights. The Montana Deviate Sexual Conduct law of Montana contradicts protection of all people equally under Montana State Law, and therefore is incompatible and inconsistent with the mission of the University of Montana. ASUM, as a representative of the students at the University of Montana, denounces this law and asks that this law be declared unconstitutional. We ask that the State of Montana make a declaration that guarantees equal rights and protection to all citizens.

Sincerely,

The Associated Students of the University of Montana
Authored by Senator Alison Redenius

info for S3 135
(SPA)

EXCERPTS FROM 1993 MONTANA CODE ANNOTATED

45-5-505. **Deviate sexual conduct.** (1) A person who knowingly engages in deviate sexual relations or who causes another to engage in deviate sexual relations commits the offense of deviate sexual conduct.

(2) A person convicted of the offence of deviate sexual conduct shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

(3) The fact that a person seeks testing or receives treatment for the HIV-related virus or another sexually transmitted disease may not be used as a basis for a prosecution under this section and is not admissible in evidence in a prosecution under this section.

From the list of definitions in 45-2-101

(20) "Deviate sexual relations" means sexual contact or sexual intercourse between two persons of the same sex or any form of sexual intercourse with an animal.

(60) "Sexual contact" means any touching of the sexual or other intimate parts of the person of another for the purpose of arousing or gratifying the sexual desire of either party.


EXCERPTS FROM THE MONTANA CONSTITUTION


Article 2, Section 4. **Individual dignity.** The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Article 2, Section 10. **Right of privacy.** The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.

The Right to Privacy in the U.S.

16 states & District of Columbia  **Heterosexual and homosexual sodomy law - State not free**

7 States  **Homosexual sodomy law - State not free**

27 States  **No sodomy law - Free state**

* See over



Privacy Project Facts
 Updated August 1993

No matter how you say it...

Arizona (and others)
 "Crime against Nature"

Alabama
 "Sexual Misconduct"

Massachusetts
 "Sodomy and Buggery"

Mississippi
 "Unnatural Intercourse"

Montana
 "Deviate Sexual Conduct"

Texas
 "Homosexual Conduct"

The Top Ten

Idaho	LIFE	Mississippi	10 years
Georgia	20 years	Montana	10 years
Rhode Island	20 years	North Carolina	0 years
Virginia	20 years	Oklahoma	0 years
Maryland	10 years	Dist. of Col.	10 years