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Fall 12-4-2019

## **SB37-19/20: Resolution Amending Article IV of the ASUM Bylaws to Expand Impeachable Offenses**

Cierra Anderson

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The Associated Students of the University of Montana  
Resolution Amending Article IV of the ASUM Bylaws to Expand Impeachable Offenses  
November 8, 2019  
SB37-19/20

Authored by: Cierra Anderson, ASUM Senator;

Whereas, The Associated Students of the University of Montana (ASUM) is the official student government for the University of Montana;

Whereas, Impeachable offenses for Executives and Senators are outlined in Article IV of the ASUM Bylaws;

Whereas, Those offenses are limited to the following: (1) *Breach of duties as stated in the Constitution or Bylaws*; (2) *Failing to attend three regularly scheduled Senate meetings (and/or ASUM committee meetings), per semester, without an excuse approved by the chair (Vice President)*; (3) *Missing final budgeting without being excused by the Chair*; (4) *Committing any misdemeanor or felony upon conviction*; (5) *Committing any larceny against the University, ASUM, or any subsidiary thereof*;

Whereas, There is concern about Article IV(A)(4) of the ASUM Bylaws, which currently reads "*Committing any misdemeanor or felony upon conviction*";

Whereas, It has been stated that the term "misdemeanor" is too broad and should be limited to include misdemeanors that are violent and sexual in nature for the purposes of this Article;

Whereas, This portion needs to be better defined so students know whether or not they can be impeached while serving as an ASUM senator if they have legal trouble;

Therefore, Let It Be Resolved, That Article IV(A)(4) of the ASUM Bylaws be amended to include the following language:

**Article IV: Impeachable Offenses**

**A. For the Purposes of this Article, the following definitions shall be used:**

1. "Jurisdiction" shall refer to Federal, State, Local or Tribal jurisdictions;
2. "Judicial Officers" shall refer to justices of the supreme court, judges of the district courts, justices of the peace, municipal judges, and city judges (Mont. Code Ann. § 1-1-202(3));
3. "Nolo Contendere" shall refer to a plea in which the defendant does not contest the charge or charges against the defendant and neither admits or denies the charge or charges (Mont. Code Ann. § 45-2-101);
4. "Being Convicted" shall refer to being found guilty by a judicial officer or a legally constituted jury in an adjudicative proceeding, pleading guilty, pleading nolo contendere, pleading guilty via an Alford plea, or accepting guilt or responsibility via any type of plea bargain;
5. "Felony" shall refer to an offense in which the sentence imposed upon conviction is death or imprisonment in a state prison for a term exceeding 1 year (Mont. Code Ann. § 45-2-101);
6. "Misdemeanor" shall refer to an offense for which the sentence imposed upon conviction is imprisonment in the county jail for a term or a fine, or both, or for which the sentence imposed is imprisonment in a state prison for a term of 1 year or less (Mont. Code Ann. § 45-2-101);

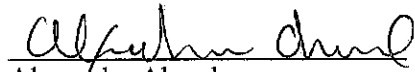
B. Any officer or member of the Senate may be impeached for:

1. Breach of duties as stated in the Constitution or Bylaws;
2. Failing to attend three regularly scheduled Senate meetings (and/or ASUM committee meetings), per semester, without an excuse approved by the chair (Vice President);
3. Missing final budgeting without being excused by the Chair;
4. Committing any larceny against the University, ASUM, or any subsidiary thereof;
5. Being convicted of a felony or its equivalent in any jurisdiction;
6. Being convicted of a misdemeanor that is sexual in nature, or its equivalent in any jurisdiction;
7. Being convicted of a misdemeanor that is violent in nature, or its equivalent in any jurisdiction.

Therefore, Let It Be Further Resolved, That the numbering be adjusted to reflect these changes.

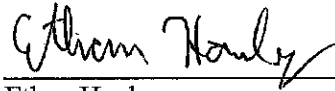
Passed by Committee: November 17<sup>th</sup>, 2019

Passed by ASUM Senate: December 4<sup>th</sup>, 2019



Alexandra Akmal,

Chair of the Relations and Affairs Committee



Ethan Hanley,

Chair of the Senate

Resolutions Passed: 23 Yes 0 No 1 Abstention