SB39-19/20: resolution Regarding Referendum Language for Article 3 of the ASUM Constitution

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The Associated Students of the University of Montana
Resolution Regarding Referendum Language for Article 3 of the ASUM Constitution
November 12, 2019
SB39-19/20

Authorized by: Cierra Anderson, ASUM Senator; Noah Durnell, ASUM Senator; Brian Fulton, ASUM Senator; Matthew Hurley, ASUM Senator; Christian Pfeifer, ASUM Senator; zoenelson@umontana.edu, ASUM Senator;

Sponsored by: Zoe Nelson, ASUM Senator;

Whereas, A Constitution establishes a system of government, defines the powers and functions of the institutions of government, provides limits to state and non-state action, and regulates the relations between institutions and its people;

Whereas, The Constitution of the Associated Students of the University of Montana (ASUM) regulates the interactions between students of the University, members, and the Associated Government;

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

Whereas, The ASUM Constitution is in need of general revision, clarification, and update to reflect the values and needs of both students and the institution;

Whereas, Amendments to the ASUM Constitution would better serve the general welfare of students and the functions of government;

Whereas, The ASUM Constitutional Revision Ad Hoc Committee was charged with exploring amendments to the Constitution to be enumerated and brought forth as amendments or revisions;

Whereas, Article 3 of the ASUM Constitution currently reads:

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.

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1 Denis J. Galligan and Mila Versteegh. 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 of 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.
(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.

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 6.

(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 a two-thirds (2/3) majority vote of the ASUM Senate.;
Whereas, Article 3 of the ASUM Constitution was in need of general updates to read well and be grammatically accurate;

Whereas, The formatting of Section 3 was unnecessarily complicated and inconsistent with the other Sections of Article 3;

Whereas, Additional language in Section 3 is necessary to more clearly define the scope of practice for the ASUM Vice President;

Whereas, Specifying an order of succession for ASUM Senators defined by continuous time served values the experience of ASUM members in the case of succession;

Therefore, Let it Be Resolved, That the following language be submitted to the student body as a referendum during the General Election in Spring 2020:

"Article 3 of the ASUM Constitution is in need of general revision to reflect the functions of ASUM as a governing body. The proposed changes will be in bold or be strikethrough:

**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:

1. The President shall be the official spokesperson of the Association.
2. 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.
3. 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.
4. In cooperation with the Vice President, the President shall make recommendations for all ASUM Senate appointments.
5. The President shall submit a budget recommendation to the ASUM Senate annually during the month of February.
6. In the absence of the Vice President, the ASUM President shall act as Chair for ASUM Senate meetings.
7. The President shall follow the expressed policies and Bylaws of ASUM.

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

1. Duties specifically delegated by the President.
2. The Vice President shall act as committee whip to oversee all ASUM committees and make recommendations to the President.
3. The Vice President shall act as a liaison between the President and ASUM committee chairs.
4. The Vice President shall act as Chair for all ASUM Senate meetings.
5. The Vice President shall call meetings of the ASUM Senate at least once a month during the school year.
6. If needed, the Vice President may sit as a non-voting, ex officio member on all ASUM boards and committees except the Constitutional Review Board.

Section 4. Duties of the Business Manager shall include:
1. The Business Manager shall be the financial manager of ASUM under the direction of the ASUM Senate.
2. The Business Manager shall be responsible for keeping accurate records of the accounts of ASUM and all organizations receiving funds from ASUM.
3. The Business Manager shall be responsible for overseeing the safekeeping of any ASUM property received by an organization or individual.
4. The Business Manager shall chair the Board on Budget and Finance.
5. The Business Manager shall chair the Board on Member Organizations.
6. The Business Manager shall chair the Publications Board and the Broadcast Board.

Section 5. The President, Vice President, or Business Manager may be removed from office by:
1. A two-thirds (2/3) vote of the Senate and
2. A majority vote (50% plus one) of at least 12% of the ASUM membership as defined in Article 1, Section 6.
3. If any Executive Officer cannot serve, the order of succession shall be (1) the Vice President, and (2) the Business Manager or a member of the ASUM Senate confirmed by the ASUM Senate by a two-thirds vote.

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

____ Yes, I support these changes to the Constitution.

____ No, I do not support these changes to the Constitution.

Therefore, Let It Be Further Resolved, That this resolution be sent to Grace Dunnehoff, Chair of the Elections Committee.

Passed by Committee: November 17th, 2019

Passed by ASUM Senate: December 4th, 2019

Alexandra Akmal, Chair of the Relations and Affairs Committee

Ethan Hanley, Chair of the Senate

Resolution Passed: 18 Yes 0 No 6 Abstentions