SB44-19/20: Resolution Regarding Referendum Language for Article 9 of the ASUM Constitution

Cierra Anderson
The Associated Students of the University of Montana
Resolution Regarding Referendum Language for Article 9 of the ASUM Constitution
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Authored by: Cierra Anderson, ASUM Senator; Noah Durnell, ASUM Senator; Brian Fulton, ASUM Senator; Matthew Hurley, ASUM Senator; Christian Pfeifer, 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, The ASUM Constitution was last amended and approved by a student vote in 2012;

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 9 of the ASUM Constitution currently reads:

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.

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.
● Section 2. The Publications Board will consist of eight (8) voting members, chaired by the ASUM Business manager. The Pub Board will consist of one ASUM Senator, two student-at-large positions, the Kaimin Editor, the Kaimin Business Manager, the Kaimin Faculty Advisor, and a faculty member, appointed by the Office of the Provost, 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 to 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;

Whereas, Article 9 of the ASUM Constitution was in need of general update to be grammatically correct;

Whereas, The structure of Article 9 in terms of Section ordering was odd and inconsistent;

Whereas, Article 9 of the ASUM Constitution did not require the Publications and Broadcast Boards to adhere to ASUM governing documents or Montana Board of Regents Policies;

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 9: Publications 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 eight (8) voting members, chaired by the ASUM Business Manager. The Publications Board will consist of one ASUM Senator, two student-at-large positions, the Kaimin Editor, the Kaimin Business Manager, the Kaimin Faculty Advisor, and a faculty member, appointed by the Office of the Provost, as voting members. The ASUM Office Accountant shall serve as an ex-officio, non-voting member on the Publications Board.

1. 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.

2. 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.

3. 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 first to the ASUM President, then to the ASUM Senate, and, if properly petitioned, to the Constitutional Review Board as a final reviewing body.

4. The Board shall adhere to the ASUM Constitution, ASUM Bylaws and Montana Board of Regents Policies.

Section 3. There will be a Broadcast Board, as required by the Montana Board of Regents on Higher Education. The Broadcast Board will consist of seven (7) members and shall be chaired by the ASUM Business Manager, who may vote in the case of a tie. The other six members shall consist of the General Manager, a faculty member, two ASUM Students At-Large, one ASUM Senator, and the Director of Information and Technology or designee.

Section 4. The Broadcast 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 5. The Broadcast Board shall adhere to the ASUM Constitution, ASUM Bylaws and Montana Board of Regents Policies. The student radio station, which is funded by fees, will be referred to in the Bylaws as the Radio Board.

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: December 1st, 2019

Passed by ASUM Senate: December 4th, 2019

Alexandra Akmal, Ethan Hanley,
Chair of the Relations and Affairs Committee, Chair of the Senate

Resolution Passed Unanimously