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SB52-19/20: Resolution Regarding Referendum Language for Article 6 of the ASUM Constitution

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1 **The Associated Students of the University of Montana**
2 **Resolution Regarding Referendum Language for Article 6 of the ASUM Constitution**
3 **January 15, 2020**

4 **SB52-19/20**

5 **Authored by: Cierra Anderson, ASUM Senator; Noah Durnell, ASUM Senator; Brian**
6 **Fulton, ASUM Senator; Matthew Hurley, ASUM Senator; Christian Pfeifer, Student-At-**
7 **Large;**

8 **Sponsored by: Zoe Nelson, ASUM Senator;**
9

10 Whereas, A Constitution establishes a system of government, defines the powers and functions
11 of the institutions of government, provides limits to state and non-state action, and regulates the
12 relations between institutions and its people¹;

13
14 Whereas, The Constitution of the Associated Students of the University of Montana (ASUM)
15 regulates the interactions between students² of the University, members³, and the Associated
16 Government⁴;

17
18 Whereas, “ASUM shall be the representative body of the members of the Association, organized
19 exclusively for educational and non-profit purposes,” and “The primary responsibility of the
20 Association is to serve as an advocate for the general welfare of the students”⁵;

21
22 Whereas, The ASUM Constitution is in need of general revision, clarification, and updating to
23 reflect the values and needs of both students and the institution;

24
25 Whereas, Amendments to the Constitution would better serve the general welfare of students and
26 the functions of government;

27
28 Whereas, During the Summer of 2019, the University of Montana did a complete revision of the
29 Student Conduct Code;

30
31 Whereas, Part of the revisions included ASUM maintaining their autonomy when adjudicating
32 Student Group conduct issues;

33
34 Whereas, The ASUM Board on Member Organizations and the Senate will adjudicate violations
35 of the Student Conduct Code by ASUM recognized Student Groups;

36
37 Whereas, Article 6 of the ASUM Constitution currently reads:

38
39 *Article 6: Agencies and Member Groups*

¹ Denis J. Galligan and Mila Versteedg. *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 at 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

- 40 ● *Section 1 . The Board on Member Organizations shall be composed of five members,*
41 *including one, but not more than two, ASUM Senate members, and the remainder at-*
42 *large students. Appointments to the Board will be recommended by the President and*
43 *confirmed by a two-thirds (2/3) vote of the ASUM Senate. The Board shall monitor*
44 *compliance of ASUM member groups with ASUM Bylaws, Constitution, and policies. It*
45 *shall make recommendations to the ASUM Senate if disciplinary action is required.*
46 ● *Section 2 . An agency is defined as an organization formed by ASUM, with a director*
47 *hired by the ASUM Senate upon recommendation by the President. The Director and the*
48 *Agency are answerable to the policy decisions of the ASUM Senate as implemented by*
49 *the ASUM Executive Branch.*
50 ● *Section 3 . A member group is defined as any organization of students (excluding*
51 *agencies) which receive benefits from their affiliation with ASUM. Such groups shall be*
52 *reviewed and approved annually by the Board on Member Organizations according to a*
53 *set of criteria established by the Board and approved by the Senate.*
54 ● *Section 4 . Duties and responsibilities of agencies and member groups include:*
55 ○ *(a) Agencies and member groups shall adhere to the ASUM Constitution,*
56 *Bylaws, and Fiscal Policy.*
57 ○ *(b) Agencies and member groups shall serve their constituency. It is the*
58 *responsibility of all agencies and member groups to define goals and to adhere to*
59 *practices described in their constitutions or statements of process, as approved by*
60 *the Board on Member Organizations. Decisions by that Board are subject to*
61 *appeal to the ASUM Senate.*
62 ● *Section 5 . ASUM Executives and Senators are ineligible to hold the directorship of any*
63 *agency.;*

64
65 Whereas, The Board on Member Organization’s current committee composition does not allow it
66 to perform fair and timely adjudication of conduct violations by ASUM recognized Student
67 Groups;

68
69 Whereas, The Board on Member Organization’s committee composition is specified in the
70 ASUM Constitution;

71
72 Therefore, Let It Be Resolved that the following language be submitted to the student body as a
73 referendum during the General Election in Spring, 2020:

74
75 “Article 6 of the ASUM Constitution is in need of general revision to reflect the functions of
76 ASUM as a governing body. The Constitution currently reads:

77
78 *Article 6: Agencies and Member Groups*

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

- 85 ● *Section 2 . An agency is defined as an organization formed by ASUM, with a director*
86 *hired by the ASUM Senate upon recommendation by the President. The Director and the*
87 *Agency are answerable to the policy decisions of the ASUM Senate as implemented by*
88 *the ASUM Executive Branch.*
- 89 ● *Section 3 . A member group is defined as any organization of students (excluding*
90 *agencies) which receive benefits from their affiliation with ASUM. Such groups shall be*
91 *reviewed and approved annually by the Board on Member Organizations according to a*
92 *set of criteria established by the Board and approved by the Senate.*
- 93 ● *Section 4 . Duties and responsibilities of agencies and member groups include:*
- 94 ○ *(a) Agencies and member groups shall adhere to the ASUM Constitution,*
95 *Bylaws, and Fiscal Policy.*
- 96 ○ *(b) Agencies and member groups shall serve their constituency. It is the*
97 *responsibility of all agencies and member groups to define goals and to adhere to*
98 *practices described in their constitutions or statements of process, as approved by*
99 *the Board on Member Organizations. Decisions by that Board are subject to*
100 *appeal to the ASUM Senate.*
- 101 ● *Section 5 . ASUM Executives and Senators are ineligible to hold the directorship of any*
102 *agency.*

104 ASUM is proposing the following changes be made to Article 6. The changes will be reflected in
105 bold:

106
107 **Article 6: Agencies and Member Groups**

108 **Section 1.** *The Board on Member Organizations shall be composed of seven*
109 *members, including one, **but not more than three**, ASUM Senators, and the*
110 *remainder Students At-Large. **The Board shall be chaired by the Business***
111 ***Manager. Ex Officio members shall include the ASUM Office Manager as well***
112 ***as the Student Group Coordinator.** Appointments to the Board will be*
113 *recommended by the President and confirmed by a two-thirds (2/3) vote of the*
114 *ASUM Senate. The Board shall monitor compliance of ASUM member groups*
115 *with ASUM Bylaws, Constitution, and policies. **The Board will also monitor***
116 ***member groups compliance with the Student Code of Conduct.** It shall make*
117 *recommendations to the ASUM Senate if disciplinary action is required.*

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

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

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

128 **1.** *Agencies and member groups shall adhere to the ASUM Constitution,*
129 *Bylaws, Personnel Policy, and Fiscal Policy.*

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

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

137
138 Do you support these changes as a revision to the ASUM Constitution?

139
140 ___ Yes, I support these changes to the ASUM Constitution.

141
142 ___ No, I do not support these changes to the ASUM Constitution.”;

143
144
145 Therefore, Let It Be Further Resolved, That this resolution be sent to Shane St. Onge, Chair of
146 Elections Committee.

147
148
149 Passed by Committee: _____, 2020

150
151 Passed by ASUM Senate: _____, 2020

152
153
154 _____
155 Noah Durnell, Ethan Hanley,
156 Chair of the Relations and Affairs Committee Chair of the Senate

157
158
159 _____
160 Zoe Nelson,
161 Chair of the Constitutional Ad Hoc Committee

162
163
164 Resolution unanimously approved