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

Zoe Nelson

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#### Recommended Citation

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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 people<sup>1</sup>;

13  
14   Whereas, The Constitution of the Associated Students of the University of Montana (ASUM)  
15   regulates the interactions between students<sup>2</sup> of the University, members<sup>3</sup>, and the Associated  
16   Government<sup>4</sup>;

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”<sup>5</sup>;

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*

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<sup>1</sup> Denis J. Galligan and Mila Versteedg. *Social and Political Foundations of Constitutions.*

<sup>2</sup> “Student” is “defined as anyone currently enrolled in the University of Montana,” in Article I, Section 3 of the Constitution.

<sup>3</sup> “Member” is “defined as any Student Activity Fee paying student at the University of Montana,” in Article I, Section 2 of the Constitution.

<sup>4</sup> The characteristics and functions of the Associated Government are defined in the ASUM Constitution, Article II.

<sup>5</sup> 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.

103  
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 **I.** 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: January 29, 2020

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

158  
159  
160 \_\_\_\_\_  
161 Zoe Nelson,  
162 Chair of the Constitutional Ad Hoc Committee

163  
164 Resolution unanimously approved