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### **SB61-20/21: Resolution Opposing HB 349**

Noah Durnell

Cierra Anderson

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1                                   **The Associated Students of the University of Montana**

2                                                           **Resolution Opposing HB 349**

3                                                                                   **February 11<sup>th</sup>, 2021**

4                                                                                                           **SB61– 20/21**

5                   **Authored by: Noah Durnell, ASUM Senator; Cierra Anderson, Student-at-Large;**

6  
7   Whereas, The Associated Students of the University of Montana (ASUM) represents the interests  
8   of over 10,000 students;

9  
10   Whereas, ASUM set priorities for its lobbyist during the 2021 legislative session;

11  
12   Whereas, ASUM’s 2021 legislative session priorities list currently contains:

13  
14   *Promote non-discrimination policies: Equity Protection under the laws of Montana for all*  
15       *students regardless of race, sex, gender expression, sexual orientation, ability, culture,*  
16       *genetic information, age, veteran status, social origin or condition, or political or*  
17       *religious ideas;*<sup>1</sup>

18  
19   Whereas, HB 349 seeks to prevent discrimination against student organization based on mission,  
20   sincerely held beliefs, and their code of conduct;

21  
22   Whereas, HB 349 seeks to legalize the definition of harassment and create a higher threshold for  
23   what activity may be considered harassment;

24  
25   Whereas, ASUM currently provides a broad range of protections for student groups seeking  
26   recognition or funding, even if they’re political or religious;

27  
28   Whereas, ASUM’s Fiscal Policy provides for the “procurement, distribution, and expenditure of  
29   the ASUM activity fee”<sup>2</sup>;

30  
31   Whereas, Section 3.4 of ASUM Fiscal Policy reads:

32  
33       *3.4 Student groups have the right to request funds from ASUM without fear of*  
34       *discrimination based on race, ethnicity, creed, age, sex, gender identity or expression,*  
35       *sexual orientation, disability, (non-academic)campus affiliation, political affiliation, or*  
36       *outside funding source.*

37  

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<sup>1</sup> Gregory, Taylor, et. al. “Resolution Establishing the ASUM Legislative Priorities”, Associated Students of the University of Montana, <https://www.umt.edu/asum/student-government/agendas-and-minutes.php>, Nov. 30, 2020. Accessed Feb. 14, 2020.

<sup>2</sup> Associated Students of the University of Montana. “ASUM Fiscal Policy”, Associated Students of the University of Montana, <https://www.umt.edu/asum/student-government/governing-docs.php>, Aug 24, 2020. Accessed Feb. 14, 2020.

38 Whereas, Absent of ASUM policy, the *Rosenberg v. University of Virginia* Supreme Court case  
39 prohibits student governments from discriminating against recognizing or funding student groups  
40 on their religious or political beliefs;

41  
42 Whereas, ASUM currently prohibits member organizations from discriminating their  
43 membership or leadership positions based on the University of Montana's protected classes;

44  
45 Whereas, Prohibiting ASUM from discriminating against recognizing student groups on the basis  
46 of sincerely held beliefs opens up the possibility for member organizations to discriminate  
47 against people joining their student group;

48  
49 Whereas, ASUM has core values of diversity, equity, and inclusivity;<sup>3</sup>

50  
51 Whereas, Student organizations adopt ASUM's core values by becoming recognized as members  
52 of ASUM;

53  
54 Therefore, Let It Be Resolved, That ASUM opposes HB 349;

55  
56 Therefore, Let It Be Further Resolved, That ASUM instructs its lobbyist, Jack Rinck, to advocate  
57 for the defeat of HB 349;

58  
59 Therefore, Let It Be Further Resolved, That this resolution be sent to: Seth Bodnar, President of  
60 the University of Montana; Sarah Swager, Vice Provost for Student Success; Sandy Curtis,  
61 Executive Director of UM Housing and Community Standards; Adrienne Smith, Director of the  
62 University Center; Anta Coulibaly, Director of Internal Audit; Clayton Christian, Commissioner  
63 of Higher Education; Brock Tessman, Deputy Commissioner of Academic, Research, and  
64 Student Affairs; Crystine Miller, Director of Student Affairs and Student Engagement; James  
65 Flanagan, MAS President; Mike Hopkins, HD 92; Terry Gauthier, SD 40; Danny Tenenbaum,  
66 HD 95; Tom France, HD 94; Diane Sands, SD 49; Bryce Bennett, SD 50.

67  
68  
69 Passed by ASUM Senate: February 24, 2021

70  
71  
72 \_\_\_\_\_  
73 Patrick James Flanagan,  
74 Chair of the Senate

<sup>3</sup> Flanagan, Patrick James. Resolution Regarding the ASUM 2020-2021 Senate Core Values, Associated Students of the University of Montana, <https://www.umt.edu/asum/student-government/agendas-and-minutes.php>, Oct. 5 2020. Accessed Feb 14, 2021.