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## **SB51-19/20: Resolution Amending Referendum Language for Article 4 of the ASUM Constitution**

Cierra Anderson

Ethan Hanley

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1                                   **The Associated Students of the University of Montana**  
2                   **Resolution Amending Referendum Language for Article 4 of the ASUM Constitution**  
3                                   **January 8<sup>th</sup>, 2020**  
4                                   **SB51 - 19/20**

5                   **Authored by: Cierra Anderson, ASUM Senator; Ethan Hanley, ASUM Vice President;**  
6                                   **Sponsored by:**  
7

8   Whereas, During the summer of 2019, the University of Montana (UM) completely revised the  
9   Student Conduct Code;

10  
11   Whereas, A portion of the revisions included ASUM maintaining their autonomy when  
12   adjudicating Student Group conduct issues;

13  
14   Whereas, The ASUM Board on Member Organizations and the Senate will adjudicate violations  
15   of the Student Conduct Code by ASUM recognized Student Groups;

16  
17   Whereas, In order to properly carry these duties out, ASUM must go into a closed session to  
18   provide privacy protections that are typical for conduct investigations at a higher education  
19   institution;

20  
21   Whereas, To better protect Student Groups privacy as well as their members' privacy, future  
22   ASUM Senators will be required to sign a confidentiality agreement before taking office;

23  
24   Whereas, This new requirement will necessitate a lower threshold for impeachment and removal  
25   due to the severity of violating the confidentiality agreement;

26  
27   Whereas, During the December 4<sup>th</sup>, 2019 senate meeting, ASUM approved referendum language  
28   for Article 4 of the Constitution without this change in place;

29  
30   Therefore, Let It Be Resolved, That the referendum for Article 4 of the ASUM Constitution be  
31   amended to read:

32   "Article 4 of the ASUM Constitution is in need of general revision to reflect the functions of  
33   ASUM as a governing body. The Constitution currently reads:

34  
35                   *Article 4: ASUM Senate*

36                   • *Section 1 . The ASUM Senate shall be composed of*

37                   ○ *( a ) the voting members*

38                   ○ *( 1 ) twenty-six (26) student representatives as provided for in Article 7*  
39                   ○ *of this Constitution ( 2 ) the Executives of ASUM*

40                   ○ *( b ) the non-voting members*

41                   ○ *( 1 ) two faculty advisors appointed annually by the ASUM Senate*  
42                   ○ *( 2 ) other ex-officio positions as needed, requiring a two-thirds (2/3)*  
43                   ○ *vote by the ASUM Senate for approval. These newly created positions*  
44                   ○ *shall expire upon the inauguration of new officers.*

45                   • *Section 2 . Any ASUM Senator who is incapacitated, removed from office, or unable to*  
46                   ○ *perform his/her duties on a permanent basis shall be replaced by a presidential*

47 *appointment subject to a two-thirds (2/3) vote of the ASUM Senate. Any ASUM Senator*  
48 *may be removed from office for breaching his/her duties as stated in this Constitution or*  
49 *in the Bylaws. The removal proceedings shall be conducted by the ASUM Senate. A two*  
50 *thirds (2/3) vote of the ASUM Senate and a majority vote (50% plus one) of 12% of the*  
51 *ASUM membership is required for removal. A Senator may also be removed by a two-*  
52 *thirds (2/3) vote of the ASUM Senate only upon unexcused absence from three or more*  
53 *regular meetings per quarter/semester.*

54 • *Section 3 . The duties of the ASUM Senate shall include:*

55 ○ *( a ) The Fiscal Policy recommendation shall be submitted by the Business*  
56 *Manager to ASUM Senate for its approval.*

57 ○ *( b ) The final budget recommendation shall be submitted by the President to*  
58 *ASUM Senate for its approval.*

59 ○ *( c ) All presidential recommendations for appointments shall be subject to*  
60 *ASUM Senate approval.*

61 ○ *( d ) The ASUM Senate may enact Bylaws upon a two-thirds (2/3) vote.*

62 ○ *( e ) The ASUM Senate shall have the right to dissolve any member group as an*  
63 *ASUM entity if that group has breached its responsibilities as defined in Article 6*  
64 *of this Constitution.*

65 ○ *( f ) The ASUM Senate shall approve all ASUM policies and shall be*  
66 *responsible for developing Bylaws in accordance with this Constitution.*

67 ○ *( g ) The ASUM Senate must have at least a two-thirds (2/3) majority vote in*  
68 *order to support the increase of any University of Montana or ASUM fee.*

69 • *Section 4 . All recommendations or decisions of any ASUM Committee shall be subject*  
70 *to the approval of the ASUM Senate unless otherwise precluded in this Constitution.*

71 • *Section 5 . ASUM Senate may call a special meeting upon a two-thirds (2/3) petitioning*  
72 *of the Senators. In such a case, the Vice President is obligated to call a special meeting.*

73 • *Section 6 . The ASUM Senate may enter executive session upon recommendation of the*  
74 *ASUM President, Vice President, Business Manager or Senators.*

75 • *Section 7 . Meetings shall be conducted in accordance with Robert's Rules of Order.*

76  
77 ASUM is proposing the following changes be made to Article 4. The changes will be reflected in  
78 bold:

79  
80 *Article 4: ASUM Senate*

81 *Section 1. The ASUM Senate shall be composed of:*

82 *1. The voting members:*

83 *a. A proportional number of Senators per students at the*  
84 *University of Montana. Every five hundred (500) students,*  
85 *considered to be a constituency, shall be represented by one (1)*  
86 *Senator, as provided for in Article 7 of this Constitution.*

87 *i. In the event that a constituency is less than 500 students,*  
88 *a Senator will still be allotted.*

89 *b. The number of Senators shall never be lower than twenty (20),*  
90 *even if this means the number of Senators is disproportionate to*  
91 *the number of students at the University of Montana.*

92 *c. The Executive Officers of ASUM.*

93 2. *The non-voting members:*

94 a. *At least one but no more than two faculty advisors appointed*

95 *annually by the ASUM Senate.*

96 b. *Other ex-officio positions as needed, requiring a two-thirds*

97 *(2/3) vote by the ASUM Senate for approval. These newly created*

98 *positions shall expire upon the inauguration of new officers.*

99 *Section 2. Any ASUM Senator who is incapacitated, removed from office, or*  
100 *unable to perform their duties on a permanent basis shall be replaced by a*  
101 *presidential appointment subject to a two-thirds (2/3) vote of the ASUM Senate.*  
102 *Any ASUM Senator may be removed from office for breaching their duties as*  
103 *stated in the ASUM Bylaws. The removal proceedings shall be conducted by the*  
104 *ASUM Senate. A two thirds (2/3) vote of the ASUM Senate and a majority vote*  
105 *(50% plus one) of 12% of the ASUM membership is required for removal. A*  
106 *Senator may also be removed by a two-thirds (2/3) vote of the ASUM Senate only*  
107 *upon unexcused absence from three or more regular meetings per*  
108 *quarter/semester. A Senator may also be removed by a majority vote (50% plus*  
109 *1) of the ASUM Senate only upon violating the confidentiality agreement.*

110 *Section 3. The duties of the ASUM Senate shall include:*

111 1. *The final budget recommendation shall be submitted by the President to*

112 *ASUM Senate for its approval.*

113 2. *All presidential recommendations for appointments shall be submitted*

114 *to the ASUM Senate for its approval.*

115 3. *The ASUM Senate may enact Bylaws upon a two-thirds (2/3) vote.*

116 4. *The ASUM Senate shall have the right to dissolve any member group as*

117 *an ASUM entity upon breaching its responsibilities as defined in Article 6*

118 *of this Constitution.*

119 5. *The ASUM Senate shall approve all ASUM policies and shall be*

120 *responsible for developing Bylaws in accordance with this Constitution.*

121 6. *The ASUM Senate must have at least a two-thirds (2/3) majority vote in*

122 *order to support the increase of any University of Montana or ASUM fee.*

123 *Section 4. All recommendations or decisions of any ASUM Committee shall be*

124 *subject to the approval of the ASUM Senate unless otherwise precluded in this*

125 *Constitution.*

126 *Section 5. The ASUM Senate may call a special meeting upon a two-thirds (2/3)*

127 *petitioning of the Senators. In such a case, the Vice President is obligated to call*

128 *a special meeting.*

129 *Section 6. The ASUM Senate may enter executive session upon recommendation*

130 *of the ASUM President, Vice President, Business Manager or Senators.*

131 *Section 7. ASUM Senate meetings shall be conducted in accordance with Robert's*

132 *Rules of Order.*

133  
134  
135 Passed by Committee: \_\_\_\_\_, 2020

136  
137 Passed by ASUM Senate: January 29 \_\_\_\_\_, 2020

139

140

141 \_\_\_\_\_  
142 Noah Durnell,  
143 Chair of the Relations and Affairs Committee

\_\_\_\_\_  
Ethan Hanley,  
Chair of the Senate

143

144

145

146 \_\_\_\_\_  
147 Zoe Nelson,  
148 Chair of the Constitution Revision Ad Hoc Committee

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149

150 Resolution approved unanimously.