



SB-81.06

“Constitutional Convention of the Thirteenth ASOSU Congress” (Bill to establish a Convention on the passage of a new Constitution for the Associated Students of Oregon State University)

WHEREAS In 2009, the ASOSU Constitution was amended to split the legislative branch of the ASOSU into two separate bodies which continue to the present: a Senate and a House of Representatives, presumably with a focus toward better emulating the structure of the governments of the State of Oregon and of the United States;

WHEREAS The chronic problem of uncompetitive elections and high numbers of vacancies in the ASOSU prior to terms of office even beginning, has persisted despite well-coordinated elections outreach efforts, with an approximately 15% turnout being well within the typical range for college student governments¹;

WHEREAS Despite garnering majority support in both elections in which a unicameral constitution was recently placed on the ballot by the ASOSU Congress (2020 and 2021, respectively), these proposals have failed to reach the threshold of two-thirds of at least 15% of the student body voting in favor, and have therefore been unsuccessful;

WHEREAS The ASOSU Constitution has structurally seen relatively minor changes over the past decade, with multiple ambiguities, legacies, and oversights, which can be fully resolved through the amendment process. Among these are as follows:

- 1) The Constitution makes no direct reference to the Student Fee Committee (SFC) as a constituent part of the executive branch (Article IV), nor does it establish any constitutional basis for its autonomy from the President. The current relationship of the SFC within the executive branch is largely dependent upon a mixture of statutes, precedent, and Judicial Council decisions.
 - a) The limited, generally indirect, references to the SFC within the current Constitution regard the committee as though it were separate from the student government, which likely reflects the differing circumstances between the present and when the current organizational structure was originally assumed.
 - b) No clear distinction is drawn between the “subunits” or “services” of the ASOSU, and the core student government, for fee setting purposes, within the current constitutional language.
 - c) With respect to incidental fees, the delegation of responsibility of the “recognized student government” under applicable Oregon law is not clearly addressed.
- 2) Article III(K)1 states, “The House of Representatives shall be responsible for establishing and maintaining a committee to approve the ASOSU Budget.”
 - a) In addition to point 1(b) above, the interpretation and/or implementation of this clause appears to have varied significantly over past years.

¹ Lewis, Kimberly M., and Tom W. Rice. “Voter Turnout in Undergraduate Student Government Elections.” *PS: Political Science and Politics* 38, no. 4 (2005): 723-29. Accessed January 27, 2020. www.jstor.org/stable/30044356.

- 3) Most bicameral assemblies include some form of origination clause. However, the ASOSU Constitution currently establishes a requirement for matters increasing or decreasing “spending or revenue of the ASOSU” to originate in the House, while at the same time requiring that “alter[ing] the functions of the ASOSU” originate in the Senate. This potentially outlines classes of legislation which cannot be introduced into either house without being split into disjoint proposals.

WHEREAS Several points of stakeholder communication are critical to avoiding past ambiguities or errors in authoring a Constitution for the student government:

- 1) Opportunities for involvement from students and community stakeholders ensures that those who may be impacted in a lasting fashion by the changes proposed, are able to participate irrespective of their position in the student government, or lack thereof.
- 2) As the ASOSU Constitution establishes the basic structural premise for each branch of its governance, direct involvement of the executive, legislative, and judicial branches of the ASOSU is essential to addressing the unique challenges and perspectives of each.
- 3) The provisions of the ASOSU Constitution carry legal implications which may bind the student government to a particular course of action; therefore, a review by the Office of General Counsel is warranted.

Be it hereby resolved by the ASOSU:

Upon passage, a Special Committee (hereafter “Convention”) shall be established, entitled the 2022 Convention on Constitutional Amendments, under the ASOSU Congress.

This Convention shall comprise the following voting members, subject to their acceptance of nomination to the committee within one week of being notified by the President of the Senate or Speaker of the House:

1. The chairpersons of the standing Student Government, Budgets, and Ethics committees of the ASOSU Congress;
2. Concurrent members of the Student Government Committee of the ASOSU Congress;
3. The Judicial Council Chair, as well as any interested members of the Judicial Council;
4. Any persons listed below as eligible to present recommendations to the convention (and/or their designees, as applicable), except members of the general public, who, if eligible OSU students, may be individually appointed under the next immediate provision below;
5. Any additional ASOSU members appointed by the Speaker of the House, President of the Senate, or either house of the Congress.

At its initial meeting, the Convention shall establish a schedule, subject to change, and procedures for the following.

1. The Convention shall invite:
 - a. The ASOSU President and/or designee(s), to present recommendations and remarks.

- i. This presentation may be extended into a second, follow-up meeting, if deemed necessary by the Convention.
 - b. All members of the legislative branch, as well as the Student Fee Committee and the Records Clerk, to present recommendations and deliberate the options presented.
 - i. This forum may span multiple meetings, if deemed necessary by the Convention.
 - c. All members of the Judicial Council, to present, advise, and deliberate upon recommendations to the convention.
 - i. This forum may span multiple meetings, if deemed necessary by the Convention.
 - d. Members of the general public, to present recommendations to the convention. Precedence shall be given to OSU students, but all in attendance are to be permitted to address the Convention within the time allotted by the voting membership.
 - i. This forum may span multiple meetings, if deemed necessary by the Convention.
2. In compiling its recommendations to the ASOSU Congress, the Convention shall make a good-faith effort to review the following prior to finalizing its decision:
 - a. Recommendations or works produced by the above-listed stakeholders presenting to the convention;
 - b. Concerns or commentary provided by the student body, and input from members of the general public;
 - c. How best to reconcile conflicting proposals, if applicable;
 - d. Prior years' approaches to the matter at hand.
3. Upon preliminary vote to advance a set of proposed amendments to the Congress, if so decided by the Convention, this documentation shall be presented to the Office of General Counsel (OGC) of Oregon State University, to check for errors or oversights in wording which may carry unintended consequences or liabilities upon enactment.
 - a. Upon receipt, the Convention shall address feedback provided by OGC to the best of its ability, including any necessary corrections, and submit its final recommendation to the Joint Standing Committee on Student Government.

The Convention shall conclude its deliberations no later than February 4, 2022.

The Judicial Council Chair shall preside over functions of the Convention, and a vice-chair of the Convention shall be selected by the voting membership to preside in the absence of the chair.

Sponsored by:

Sierra Young, ASOSU Student Government Committee Chair

Confirmation of passage:

Lucas Schnell, Speaker of the ASOSU House of Representatives

Signature: _____ Date: _____

Dylan Perfect, Vice President and President of the ASOSU Senate

Signature: _____ Date: _____

Approval or veto by the ASOSU President (as applicable):

Dhru Patel, President

Signature: _____ Date: _____

Approved
 Vetoed