USUSA Academic Senate Oversight Resolution

Description: The USUSA Academic Senate proposes amendments to the USUSA Constitution to allow the USUSA Academic Senate to: approve proposed charter changes of USUSA Academic Senate officers, approve appointments made by the respective USUSA officer to fill vacancies of elected and appointed USUSA Academic Senate officers, and levy charges of misconduct and incompetence in office towards USUSA Academic Senate officers in addition to authorizing the USUSA hearing board to hear such cases.

WHEREAS members of the USUSA Executive Council and USUSA Academic Senate are voted into office by students at Utah State University to represent specific interests and constituencies,

WHEREAS the USUSA Executive Council already allows the USUSA Academic Senate to review and comment on proposed charter amendments before they are passed to effectively provide oversight between the two bodies,

WHEREAS USUSA Academic Senate officers best understand the expectations of their charter and can provide advice and oversight to fellow USUSA Academic Senate officers seeking to amend their charters,

WHEREAS the USUSA Executive Council Vice Presidents best understand the expectations of their charter and can provide advice and oversight to fellow USUSA Executive Council Vice Presidents seeking to amend their charters,

WHEREAS codifying the ability for USUSA Academic Senate officers to provide oversight on proposed charter amendments into the USUSA Constitution would ensure proper oversight of charter emendation by both USUSA bodies for future USUSA Executive Councils and USUSA Academic Senates,

WHEREAS USUSA Academic Senate officers best understand the skills and competencies required to be an effective officer and meet chartered expectations in the USUSA Academic Senate and assist in “improving the quality of student life at Utah State University”,

WHEREAS codifying the ability for USUSA Academic Senate officers to evaluate the preparedness and competency of appointments made to vacant USUSA Academic Senate officer position would ensure the quality of those appointments,

WHEREAS the assessment of fellow USUSA Academic Senate officers’ competence and ability to meet chartered expectations might create the need to levy charges of misconduct or incompetence in office,
WHEREAS codifying the ability for USUSA Academic Senate officers to levy charges of misconduct or incompetence in office against another officer of the USUSA Academic Senate would allow for the USUSA Academic Senate to provide necessary oversight of the conduct of its own members,

WHEREAS the USUSA Constitution does not require amendments to USUSA Academic Senate officer charters to be approved by the USUSA Academic Senate, nor does it define “governing body,”

BE IT THEREFORE ENACTED THAT the USUSA Academic Senate proposes amending Article II, Section 4, Subsection G of the USUSA Constitution to “Create or amend a USUSA officer charter by (a) two-thirds vote of the USUSA governing body that an officer sits on (See Article I, Section 1). Proposed charter changes to the USUSA Executive Vice-President charter shall be heard by the USUSA Executive Council. Proposed charter changes to the USUSA Graduate Studies Senator charter shall be heard by the USUSA Academic Senate. ‘USUSA governing body’ refers to the USUSA body in which an officer resides which has governance in its role of improving the quality of student life at Utah State University.”

WHEREAS the USUSA Constitution does not authorize the USUSA Academic Senate to approve appointments made by the USUSA President to fill vacancies of elected USUSA Academic Senate officers,

BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article III, Section 5, Subsection B of the USUSA Constitution to “Appointments shall be approved by (a) two-thirds vote(s) of the USUSA governing body(ies) with a vacancy. Appointments to the USUSA Executive Vice-President office shall be approved by the USUSA Executive Council. Appointments to the USUSA Graduate Studies Senator office shall be approved by the USUSA Academic Senate.”

WHEREAS the USUSA Constitution does not authorize the USUSA Academic Senate to charge elected USUSA officers with misconduct or incompetence in office,

BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article III, Section 6, Subsection B to “If two-thirds of a USUSA governing body charge a USUSA officer with misconduct or incompetence in office, then the Hearing Board shall hear the case. If the board confirms the charge of misconduct or incompetence in office, then an appointment shall be made to fill the vacancy (for Hearing Board, see Article V, Section 3. For vacancy of office procedures, see Article III, Section 5).”

WHEREAS the USUSA Constitution does not authorize the USUSA Academic Senate to approve appointments made by USUSA officers to fill vacancies of appointed USUSA Academic Senate officers,

BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article IV, Section 3, Subsection A of the USUSA Constitution to “Any vacancies shall be filled as determined by the respective USUSA officer and approved by (a) majority vote(s) of the appropriate (as determined by a majority vote of the USUSA President, Executive Vice President, and Senate Pro Tempore) USUSA governing body(ies). Any RC vacancies shall be filled as determined by the respective USUSA officer and approved by a majority vote of the RC Executive Council.”

WHEREAS the USUSA Constitution does not authorize the USUSA Academic Senate to vote on the removal of appointed USUSA Academic Senate officers,
BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article IV, Section 4, Subsection B of the USUSA Constitution to “(A) two-thirds vote(s) of the appropriate (as determined by a majority vote of the USUSA President, Executive Vice President, and Senate Pro Tempore) USUSA governing body(ies). For RC appointed positions, a two-thirds vote of the RC Executive Council;”

WHEREAS the USUSA Constitution does not authorize the USUSA Hearing Board to hear cases accusing an officer of misconduct or incompetence in office from the USUSA Academic Senate,

BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article V, Section 3, Subsection G of the USUSA Constitution to “In cases of a USUSA governing body accusing an officer of misconduct or incompetence in office, the board’s written explanation (that may include the call for the removal of an officer from office) shall be sent to the USUSA President. A written explanation that may call for the removal of the USUSA President from office shall be sent to the USUSA Executive Vice President.”

WHEREAS the USUSA Student Body President presides over the entirety of USUSA, in order to avoid any incidences of targeting, discrimination, or bullying of any member of USUSA,

WHEREAS the USUSA Student Body President acts as the liaison between USUSA and the hearing board,

BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article III, Section 6, Subsection B of the USUSA Constitution to “If two-thirds of a USUSA governing body charges a USUSA officer with misconduct or incompetence in office, it becomes the responsibility of the USUSA President (or in the case of charges brought against the USUSA President, the USUSA Executive Vice President) to present the case to the hearing board along with a recommendation regarding the outcome of the vote. At that time the Hearing Board shall hear the case. If the board confirms the charge of misconduct or incompetence in office, then an appointment shall be made to fill the vacancy (for Hearing Board, see Article V, Section 3. For vacancy of office procedures, see Article III, Section 5).”

WHEREAS the USUSA Constitution currently names the Vice President for Student Affairs as the Vice President for Student Services,

BE IT FURTHER ENACTED THAT the USUSA Academic Senate proposes amending Article V, Section 3, Subsection J of the USUSA Constitution to “All decisions by the Hearing Board shall be binding unless rescinded by the Office of the Vice President for Student Affairs. All decisions by the Hearing Board shall be submitted to the USUSA President within 14 days of the Board’s decision, excluding days when no classes are held.”

Tags: Executive Council, Academic Senate, USUSA, Charters, Constitution, Amendment

Sponsors: Erik B. Olson, USUSA Engineering Senator - Senate Pro Tempore;

Co-sponsor: Joshua Johnson, USUSA Organizations and Diversity Vice President;
Policy Paper

Committee: Executive Council

In Attendance: President Jaren Hunsaker, VP Alli e Smith, VP Samuel Jackson, VP Bannon Greer, VP Meghan Tat om, VP Joshua Johnson, VP Jenna Stoker, VP Daria Griffith, Senator Kristin Hall, Director Braxton Moon, Assistant Brooke Jorgensen

Absent: None

History: In the wake of the discussions of the 2017-2018 AS/EC equity bill, there was significant motivation for many USUSA officers to begin addressing specific points presented in the bill in order to create meaningful compromises on points of disagreement and advance points of agreement. One of the most prominent points of agreement was extending the ability for Academic Senators to have their own charters approved in Academic Senate, as opposed to EC. Many officers in both bodies were confused by the process of charter emendation, and did not realize that only EC could approve charter emendations.

College of Engineering Senator and Senate Pro Tempore Erik Olson and Organization and Diversity Vice President Joshua Johnson began conversations of meaningful reforms to the structural challenges within USUSA, and charter amendments became a focus of this preliminary discussion. Upon further research and discussion, they realized that the issue involved proper oversight within USUSA. The Academic Senators and the Executive Council Vice Presidents are tasked with understanding their role and ensuring those around them are meeting the standard outlined in the USUSA Constitution of “improving the quality of student life at Utah State University.” This means that those within each body must ensure their fellow officers are meeting this standard in addition to those outlined in their positional charters and effectively provide oversight within their own body.

As this point became clearer, the discussion expanded to all oversight abilities outlined within the USUSA Constitution, which does not allow Academic Senators to approve appointments to elected or appointed positions on the Academic Senate, approve charter changes presented by fellow senators, or levy charges of misconduct against officers on the Academic Senate. Discussions with stakeholders in both bodies agreed on the logic outlined in amending the USUSA Constitution to allow oversight abilities to be extended to the USUSA Academic Senate. Though certainly not exhaustive, these amendments are a meaningful step to address the disparity between the USUSA Academic Senate and the USUSA Executive Council and demonstrate compromise towards mutual goals.

Purpose: The purpose of this legislation is to extend oversight abilities to the USUSA Academic Senate. This legislation will amend the USUSA Constitution to require the “originating governing body(ies)” rather than solely the USUSA Executive Council to do three things:

1.) Approve charter amendments
2.) Approve appointments to vacancies of appointed/elected officer positions
3.) Levy charges of incompetence in office or misconduct that will be heard by the USUSA Hearing Board

The largest change this will create is the ability for Academic Senate to be the primary actor on these matters if they pertain to the Academic Senate. The language of “originating governing body(ies)” was used as it most appropriately achieves the intended purpose of allowing Academic Senate to be
responsible for oversight within its own body. In practice, this means that the body initiating the charter change, charge of misconduct or incompetence in office, or receiving a new appointment will be allowed to be the final authority on approving or denying the aforementioned areas. In the case of those who are elected or appointed on both the USUSA Academic Senate and Executive Council, each specific alteration will lead to a different process. For charters, the officer seeking to amend a charter would have a choice of which body they can introduce the changes to, and would only need to the approval of that body i.e. where the charter change is being “initiated.” For misconduct, officers sitting on both bodies would be eligible to have charges levied against the, from either of the bodies they sit on. For approval of an appointment, the legislations would require the “appropriate” body to vote on the appointment. This language is intended to require that both bodies an officer sits on approve the appointment, as that person will have expectations and standards of performance on both bodies.

**Pros:** Allows more effective oversight within USUSA bodies, addresses structural difficulties within USUSA, ensures those elected or appointed to a USUSA body meet the standards and expectations of that body

**Cons:** Keeps oversight within bodies – creating potential for conflicts of interest within a body.

Refer to ASR 2019-02