

Majority Opinion By Council Chair Knudsen

JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF OREGON STATE UNIVERSITY

Alexandria Mikesell, ASOSU ENVIRONMENTAL AFFAIRS TASK FORCE DIRECTOR

INQUIRY TO THE ASOSU JUDICIAL COUNCIL
(No. 15-001.i)

[February 25, 2015]

Alexandria Mikesell, ASOSU Environmental Affairs Task Force Director, brought an inquiry before the Judicial Council pertaining to Title V section 2 of the ASOSU Statutes. Task Force Director Mikesell is concerned (1) that the language of Section 2B is “ambiguous and terms of fall term submission [are] infeasible, considering yearly leadership turnover.” Additionally, (2) she requests that a document entitled *Referendum for OSU’s Divestment from Fossil Fuel Industry “OSU Divest”* be deemed similar enough to Senate Resolution SR-73.01 to be acceptable for the language of a referendum to be voted on by the ASOSU.

Title V: Section 2B of the ASOSU Statutes states, “The correct form which Legislative Initiatives must follow shall be decided by the Judicial Council before the fifth week of Fall Term and shall be approved by Congress before the end of Fall Term.” After much discussion, the Judicial Council interprets this passage to mean the following: For the purpose of initiatives and referendums, by fall term by week five, the JUDICIAL COUNCIL is responsible for producing a ‘general’ form that any member of the ASOSU may use. This interpretation is consistent with Article VII of the ASOSU Constitution. The Judicial Council has also made the determination that should a member of the ASOSU seek the general form for initiative or referendum, if there exists none approved by week five of fall term, the Judicial Council will provide one on a case-by-case basis based on past forms.

It is also determined that the document entitled *Referendum for OSU’s Divestment from Fossil Fuel Industry “OSU Divest”* is not sufficient to constitute referendum status. The original legislation SR -73.01 would have needed a line specifying that it was designated as a referendum—i.e. ‘It is hereby referred to the people’. Additionally, the Judicial Council found the language between the two documents to be dissimilar, specifically, “Within five years.”

If the inquirer wishes to have the ASOSU vote on the proposed language, it is the opinion of the Judicial Council that a legislative initiative is an appropriate method. The inquirer may petition for a general form provided by the Judicial Council.