



Unanimous Opinion By Councilor Carmichael

**JUDICIAL COUNCIL OF THE ASSOCIATED  
STUDENTS OF OREGON STATE UNIVERSITY**

Carissa O'Donnell, 2023-2024 ASOSU President

INQUIRY TO THE ASOSU JUDICIAL COUNCIL  
(No. 24.035.i)

[June 20, 2024]

On May 31, 2024, Carissa O'Donnell, 2023-2024 ASOSU President, brought forth an inquiry before the Judicial Council pertaining to Article VII of the ASOSU Constitution and Title IV of the ASOSU Statutes. The Council has identified two distinct questions from the petitioner:

- I. Does Article VII allow an initiative petition to initiate a student fee request, or supplement a prior request, to the Oregon State University Board of Trustees?
- II. What is the difference between an initiative and a referendum?

I

Article VII of the ASOSU Constitution establishes processes for which amendments can be made to the Constitution itself. The petitioner's question is in relation to §C and §D, which state:

C. The ASOSU Student Body may petition for initiative measures. All proposed petitions must be submitted to the Judicial Council prior to circulation for signatures. The Judicial Council shall ensure that the petition is in correct form, and shall see that clarity, consistency, and full disclosure is maintained throughout the entire initiative process. The Judicial Council must take action, once the petition has been submitted, within five days, excluding Week 10 and breaks between terms. A petition must be signed by at least five percent of the ASOSU Student Body and presented to the President of the ASOSU to verify signatures. Within three weeks following verification of signatures, the President of the ASOSU, in cooperation with the ASOSU Elections Committee, will authorize a

special election concerning the petition. A simple majority of those voting is required for passage of the initiative.

D. The process for Financial Initiatives and Financial Referendum shall be defined in the Statutes of the ASOSU Student Government.

The petitioner's question is also in relation to a student fee request, which pertains to Title IV of the ASOSU Statutes.

The Council holds that Article VII and Title IV allow an initiative petition to initiate a student fee request.

A legislative initiative would be a petition to amend the ASOSU Statutes or pass legislation related to such. On the other hand, financial initiatives and referendums are any initiatives or referendums related to the allocation of finances by the student body. A student fee request to the Board of Trustees would qualify as a Financial Initiative under Article VII §D. According to §D, the processes for financial initiatives and referendums is specified in the ASOSU Statutes.

The Constitution refers back to Statute for processes of Financial Incentives and Referendums (Article VII §D). However, the Statutes fail to identify this process. The absence of this process in Statute has required the Council to default the process for Financial Initiatives back to §C.

An initiative that would alter the function or monetary value of the incidental student fee through a separate or supplemental fee request is a Financial Initiative under Article VII. The absence of an enumerated process pursuant to §D does not automatically qualify a student fee-related initiative described above as a Legislative Initiative. However, the Council elects to default the process back to §C rather than bar a fee-related initiative in its entirety.

The ASOSU Statutes identify a financial initiative in Title IV §7, Capital Construction Initiatives. Title IV does not identify any other method for which a financial initiative may be used. Rather, the Council strongly recommends to the Senate that a process be added into Statute in the interest of preventing a so called statutory "loose end."

The Council does recognize ORS 352.105 §1(b), which states:

The [fee-setting] process may include a student body referendum conducted under procedures established by the recognized student government.

This section says student governments *may* allow for a student body referendum, however this provision is restricted by the qualification that it must be conducted under the student government's enumerated procedures. This process within ASOSU is Article VII §D. It would be in the best interests of the student body and ASOSU to include that process, since the student fee is a critical function that ASOSU plays within the greater University community.

## II

Within ASOSU's purview, initiatives arise from the greater ASOSU student body. Initiatives begin with a petition as enumerated in Article VII.

On the other hand, a referendum is a vote by the ASOSU Student Body on a piece of legislation before the Senate. The Senate may vote to refer the legislation to the Student Body with a vote as enumerated in Article VII.