

Majority Opinion By Council Chair Knudsen

JUDICIAL COUNCIL OF THE ASSOCIATED  
STUDENTS OF OREGON STATE UNIVERSITY

TAYLOR SARMAN, ASOSU PRESIDENT  
MARIA YERKES, SIFC CHAIRPERSON

INQUIRY TO THE ASOSU JUDICIAL COUNCIL

(No. 15-004.i)

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[May 25, 2015]

Taylor Sarman, ASOSU President, brought an inquiry before the Judicial Council pertaining to Title VII, Section 2 of the ASOSU Statutes. President Sarman requests an answer to the question, “Where does the Student Incidental Fee Committee (as an independent committee) sit in relation to the three branches of government outlined in the ASOSU Constitution?” On an interconnected issue, Maria Yerkes brought an inquiry before the Judicial Council pertaining to Article VI of the ASOSU Constitution and Title VII Section 2 of the ASOSU Statutes. SIFC Chairperson Yerkes requests an answer to the question, “Did the Elections Committee's decision to not hold an election for SIFC members violate Article VI and Title VII of the ASOSU constitution?”

Title VII Section 2 of ASOSU’s Statutes establishes a definition of the Student Incidental Fees Committee (SIFC) and rules for how it operates. Article VI of the ASOSU Constitution States the rules and responsibilities of the elections committee.

After thoughtful discussion from the hearing on May 19th, meetings with involved parties including members of SIFC and budgeting process, and long constitutional deliberation, the ASOSU Judicial Council has ruled on the questions posed by President Sarman and Chairperson Yerkes. In accordance with Title II section 2 F, Title III section 3, Title VII section 2, Title VIII, Senate Bill 270, and ORS 352.105, the Judicial Council defines the Student Incidental Fees Committee as an Independent Committee residing within the Executive Branch of ASOSU.

The relationship between SIFC and the ASOSU Executive Branch can be delineated as follows: The ASOSU President shall sit on the committee and vote on structural and procedural changes and policies within the committee. The President may not; however, vote on the budgets and budgetary issues. As an Independent Committee, the voting members are to be composed of members of the student body not holding a position in the ASOSU in any other capacity in order to ensure a lack of bias.

Moreover, Budgeting Boards shall have non-voting liaisons attending all relevant meetings, where the ASOSU President will represent the budgetary interests in a similar capacity. The SIFC is also constitutionally bound to oversee and advise the budget decisions of the Legislative Branch through partnership with the Ways and Means Committee. While partnership with organizations such as the AABC is not inconsistent with the definition of an Independent Committee, organizational decisions must be evaluated in accordance with feedback from all involved parties at the end of each fiscal year.

The SIFC must balance holding each department accountable for their requests while at the same time maintaining and understanding what students do or do not want through targeted research. It is a question of avoiding excessive tedium but remaining thorough, of being first and foremost an advocate for the student's desires. These structural changes are to be decided with emphasis on the structure and philosophical ideas of the Incidental Fee Review Committee Report, as well as the aforementioned written feedback.

To address the question raised by SIFC chairperson Yerkes, the Judicial Council finds that the SIFC's rights to having an election were indeed violated according to Title VII Section 2B. To remedy the violation, the SIFC may elect a temporary chairperson who will serve until Fall 2015 when the Elections Committee must hold an election for all vacant spots. From this opinion forward, the Elections Committee must hold elections in the spring for the SIFC.