

ASUNM Student Court
Complaint Form

Date of Submission of Complaint: 4-23-97 (resubmitted 4-

Plaintiff(s): Megan Davidson, Abby Anderson, Keith Valles,
Vicente Vargas

Address:
MD 2100 ETON AVE SE #A (87100)
- ASUNM Office Mailboxes

Phone # (Day and Night):

MD-2435315

Defendant(s):

ASUNM Senate, ASUNM Vice President, ASUNM President

Date of Alleged Infraction:

4-9-97

Summary of Complaint:

original complaint attached. Also, we are citing Article II
Section 6 of the ASUNM Lawbook and two definitions
which help to define this code (highlighted copies included.)

The Senate had only 12 members present at the 4-9-97 meeting
and the vote on library bill #25B did not receive the
vote of the majority of the seated senate, as detailed and
defined in the constitution and Lawbook, Definitions Code.
Therefore, we find this bill to be illegally passed by the
senate and approved by the VP and President.

List of Witnesses:

Guillermo Caraveo
Jason O'Rourke
Nasha Spall-Martinez

On a separate sheet of paper, attached to this Form, please explain in detail the actions
causing you to file this complaint.

Signature(s) Megan Davidson

Date: 4-25-97




4-25-97

4/29/97

C. Every student has the right to vote in accordance with normal procedures established by ASUNM Government

D. Every student has the right of access to all ASUNM Governmental records.

E. ASUNM asserts the right of student representation on University committees dealing with the formulation of policies affecting students.

F. No student shall be denied the right of orderly assembly on the campus.

G. Every student has the right to contest before Student Court the constitutionality of legislation, rulings, or decisions of the ASUNM Government or any chartered organization that would affect students.

1. All students shall be considered innocent of any infraction of ASUNM Government laws until proven guilty in a hearing of the appropriate judicial body, except for provisions made in Article III, Section 7, subparagraph D of this constitution and shall not suffer direct or indirect penalties for an infraction until guilt has been established.

2. No student shall be compelled to witness against himself or herself and shall be properly informed of the nature and the cause of the accusation, and shall have a fair and impartial hearing by the appropriate judicial body in which he or she will be confronted by the witnesses against him or her, and may utilize the assistance of counsel in any part of the proceedings.

ARTICLE II. - Legislative Branch

Section 1. - Senate

All legislative powers of ASUNM Government shall be vested in a Senate.

Section 2. - Legislative Function

The Senate shall make all laws and regulations it deems necessary and proper for the ASUNM Government, prepare the budget, appropriate all funds of ASUNM raised through the ASUNM fee as designated by the regents, approve or disapprove all appointments to constitutional and statutory executive agencies and legislative committees made by the President and vice-president, and impeach specified officials for due cause.

Section 3. - Composition of the Senate

The Senate shall consist of twenty members elected at large from ASUNM. The term of office shall be two senate sessions.

Section 4. - Qualifications of Senators

No Senator, during the time for which he or she is elected, may serve in any other branch of the ASUNM Government or as officers of ASUNM Government funded organizations, unless he or she is appointed as their Senate representative.

Section 5. - Powers of Subpoena

A. The Senate shall be empowered to subpoena ASUNM members to appear before it or any of its committees by a majority vote of the seated Senate. Any student or group failing to comply with a properly issued subpoena may be suspended from ASUNM Government offices and committees.

Section 6. - Legislation

A. A bill passed by a majority vote of the seated Senate shall become law upon the signature of the President within six days after its passage. If a bill or line item is vetoed, this veto can be overruled by a vote of two-thirds of the seated Senate at the following Senate meeting. A bill left unsigned by the President on the seventh day after its passage shall become law.

Section 7. - Senate Administrative Officers

A. The Vice-president shall be the President of and preside over the Senate and shall have no vote except in the event of a tie. The Vice President shall appoint such assistants as he or she deems necessary.

Academic Year - A period of time that consists of two semesters, excluding the Summer semester.

Act - A bill or an appropriation bill which has been enacted by the Senate but which has not yet been signed or otherwise affirmed as law.

Administrative Term - the term beginning upon the administration of the oath of office to the President and ending when that President leaves office, whether by completion of the term or expulsion from the University, or other causes.

Answer - the means by which the defendant states: (a) his/her defense to the claim stated in the complaint, (b) any counterclaim or set off against the plaintiff.

Appropriation Bill - A proposed piece of legislation which, if enacted, signed, or otherwise confirmed would become law and would authorize the expenditure of funds. An appropriation bill may not provide for the establishment of any committee; not may it provide for an amendment to any law except for an appropriation previously provided for and to which it is directly related.

Author - the author of a piece of legislation, who is not required to be a Senator.

Bill - A proposed piece of legislation which, if enacted, signed, or otherwise affirmed, would become law.

Budget Committee - The budget Committee will consist of the members of the Senate Finance Committee, the Treasurer, and the ASUNM/GSA Fiscal Agent, who will act as an ex-office member. The Chair of the Finance Committee will act as the Chair of the budget Committee, with no vote except in the case of a tie.

Business Hours - Monday through Friday 8 am to 5 PM.

Campaigning - will be any and all acts that involve the solicitation of votes or endorsements for the purpose of obtaining an elected office, or the passage / defeat of any issue appearing on the ballot.

Challenge Ballot - A ballot cast by a challenge voter, and subject to individual verification by the Elections Commission.

Challenge Voter - A voter who has his/her status as a member of ASUNM questioned.

Claim - Any demand for something as one's right. 2. right to an equitable remedy for a breach of contract or performance.

Closing Argument - The final statements by the parties in a case to the court summarizing the evidence that they think the other side has failed to establish. Such does not constitute evidence and may be limited in time by a rule of the court.

Constitutional Amendment - an item of legislation which proposes a referendum question to be voted on by the members of ASUNM, and provides for an amendment to the constitution.

Contestant - will be any student who files a written notice of contest of an election.

Contestee - will be any official or write-in candidate against whom a written notice of contest of election has been filed.

Continuance - Adjournment or postponement of legal proceedings to a subsequent day or time.

Counterclaim - a claim presented by the defendant in opposition to or deduction from the claim of the plaintiff.

Defendant - one against whom a suit or criminal charge is brought.

Dismissal - to dismiss an action or suit without any further consideration.

Dismiss with Prejudice - the claim which is dismissed may not be brought again in any court.

Dismissal without Prejudice - does not prevent the plaintiff from suing again on the same cause of action.

Election Official - will be any member of the Elections Commission, Poll workers, Ballot Counters, or other persons appointed.

Emergency - any item of legislation may be designated as an emergency provided that immediate action is necessary to protect the interests of ASUNM either in whole or in part.

Enactment - an affirmative vote of the Senate to establish a law, internal business, resolution, or provide for an appropriation.

Enjoinment - freezing of funds.

Fiscal Quarter - The divisions of the fiscal year, with the first quarter ending September 30, the second December 31, the third March 31, and the fourth June 30.

Fiscal Year - The period of time beginning July 1st and ending June 30th.

Floor - 1. The right to address an assembly. 2. A member who has been recognized by the chair and who is in order is said to "have the floor" until remarks are concluded. 3. The body of assembly members.

Gallery - the designated area in the government chambers where members of the community may sit while business is conducted.

General Election - A regularly scheduled election held during either the Fall or Spring Semester each year for the purpose of electing Senators and/or the President and vice-president, and/or the passage of the Budget or any referendum.

Group - any chartered organization, Executive agency or committee, or General Government.

Impeach - to accuse a public official, elected or appointed, of a crime or malfeasance, before the senate, by the presentation of a written accusation.

Interlineation - 1. the act of writing between the lines of a document. 2. what is written between the lines, interpolation.

Internal Business - an item of legislation which only effects the activities of the legislative branch of the Government.

Interpretation - explain the meaning of; in the case of the Attorney General, interpretations will stand as law until overturned by the Court or by the issuance of another interpretation by a successor Attorney General.

Involuntary Dismissal - is by the order of the court.

Joint Resolution - A Senate Resolution may become a Joint Resolution if it is signed by the President, at which time it will become an expression of intention or sentiment of the Government. A Joint Resolution is limited to the term of the President who signed it.

Jurisdiction - 1. the authority to interpret and apply the law. 2. the territory under a given authority or control.

Leading Question - a leading question is one which: (a) suggests to the witness the desired answer; (b) instructs the witness how to answer; puts the words into the mouth of the witness to be echoed back.

Legislator - a member of the Senate or the vice-president.

Motion - 1. the formal mode in which a member submits a proposed measure for the consideration and action of the meeting. 2. An application made to a court or justice for the purpose of obtaining a rule or order directing some act to be done in favor of the applicant.

Official Candidate - will be a student who has filed with the Election Commission an affidavit for candidacy and who has been validated by the Elections Commission, and who has also attended the mandatory candidates meeting.

Opening Statement - is an outline of anticipated proof in a case. Its purpose is to give the court introductory information about facts and issues so that the court will be able to understand the evidence. Such does not constitute evidence any may be limited in time by a rule of the court.

Opinion - the formal judgment of a member of Government, (usually the Attorney General or a member of the Court) on a matter in which advice is sought.

Perjury - testifying falsely under oath.

Plaintiff - the party that institutes a suit in court.

Polling District - will be the area within twenty-five (25) feet of a polling place.

Principal Sponsor - the Senator whose name appears first among the sponsors is a piece of legislation or the chair of the legislative committee sponsoring a piece of legislation.

Quash - to set aside or annul.

Referendum - an item of legislation which will be placed on the ballot of the next general election for a vote of the membership of the 'ASUNM member, but does not provide for an amendment to the Constitution.

Rest - (judicial) to indicate that all evidence has been presented by a particular party in a proceeding.

Return - the method by which the person serving the process certifies to the Court that service of process has been made.

Seated Senate - all current members of the Senate session who have taken the oath of office.

Semester - the first day of classes until the Friday of Finals week.

Senate Aide - a person designated as an assistant to a Senator, appointed by the Senator.

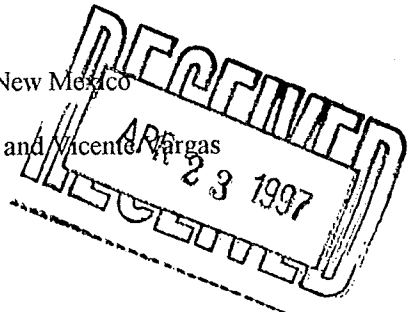
Senate Resolution - An expression of intent or sentiment of the Senate. A Senate Resolution does not have the effect of law and may not be used to provide for the establishment of any rule or regulation; nor may it

Filing of Complaint Against the Associated Students of the University of New Mexico

Complaint brought by: Megan Davidson, Keith Valles, Abby Anderson, and Vincent Vargas

Date: 4-23-97 (Ten Business Days after the Action)

Re: Appropriation Bill #25B to the General Library, Passed on 4-9-97



The Appropriation Bill in question was given to a department which we feel was not applicable for the funds which they received. The Finance code, Article one, section 2 states that ASUNM funds service organizations and groups chartered through the Student Activities Center. There is no definition of what a service organization is in the Definitions Code. We feel that first preference for funds should be given to student organizations because they are not already receiving student fees or university funds. Several student groups were not funded through the most recent SFRB process because they could receive student fees through the ASUNM and GPSA budget processes. The intent behind this action was to eliminate the double funding of organizations and departments. The Libraries were not only funded through the University budget, the SFRB, and the voluntary donation process available through I TEL UNM. To get money from the ASUNM, the SFRB, and the voluntary donation process is a triple tax on students. If the Libraries needed the additional moneys, the SFRB should have provided it.

We also feel that there were process problems in the passing of this appropriation bill. The Senate only had 12 seated members and a member of the Executive Cabinet filling in for quorum. At that same meeting a twentieth Senator was approved, but not sworn in due to the lack of a court justice. This appropriation bill was denied by the full Senate once before. We feel that the bill could have been saved for a vote by the full Senate, rather than rushed through in the absence of many members of the Senate. There was one Finance Committee member in attendance that was also present at the finance committee meeting. The Bill was also increased from the committee recommendation of \$500 to \$3500 during the Senate meeting.

Due to the process problems and the lack of clarity as to the eligibility of the General Libraries, we are filling a complaint against the ASUNM.

Megan Davidson 4-23-97

[Signature] 4-23-97

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