

1 ASSOCIATED STUDENTS OF ASU  
2 GPSA ASSEMBLY  
3 NINTH LEGISLATURE

5 MARCH 16, 2012

7 ASSEMBLY BILL # 30

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10 INTRODUCED BY

12 THE GOVERNMENT OPERATIONS COMMITTEE

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15 AN ACT SENDING a Proposed Amendment to the ASASU Constitution to a  
16 Referendum of GPSA Membership

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19 THE GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION,

21 WHEREAS the Undergraduate Student Government currently is governed, in parallel,  
22 with the GPSA via the current ASASU Constitution;

24 WHEREAS the Undergraduate Student Government is considering ratification of the  
25 “Universal USG Constitution;”

27 WHEREAS if USG were to cease to follow the current ASASU Constitution several  
28 essential elements of government for graduate and professional students would end;

30 NOTING THAT all of the following proposed amendments to the ASASU Constitution  
31 reference the section number and/or lines of the original document;

33 SUBMITS the following amendment to the ASASU Constitution to the GPSA  
34 membership for a referendum (as defined in Article 6 of the ASASU Constitution), to be  
35 held simultaneously with the upcoming GPSA elections, with the following stipulations:

- 37 • These amendments shall only be placed on the ballot if the Undergraduate  
38 Student Government also places these same amendments on their ballots  
39 in the upcoming Undergraduate Student Government elections.
  - 40 ○ These amendments shall be considered ratified by GPSA if a  
41 majority of GPSA voters voting on these amendments vote to  
42 adopt them.

- 44 • If these amendments are ratified by only USG or GPSA, and not the other,  
45 these amendments in their entirety shall not be enacted, and the  
46 Constitution will not be amended by this bill.

47 **AMENDMENTS:**

- 48  
49 1) In the Title, SUBSTITUTE “ASSOCIATED STUDENTS” with “GRADUATE  
50 AND PROFESSIONAL STUDENTS”;  
51  
52 2) In TITLE I, STRIKE “TEMPE CAMPUS”;  
53  
54 3) SUBSTITUTE LINES 5 and 6 with “MEMBERSHIP AND ESTABLISHMENT”;  
55  
56 4) In TITLE I, Preamble, SUBSTITUTE

57  
58 “We, the students of Arizona State University at the Tempe  
59 Campus, in order to provide a representative student government,  
60 hereby form the Associated Students of Arizona State University,  
61 and establish this Constitution. ASASU exists to represent,  
62 advocate, on behalf of the student body, support university  
63 administration and local, state, and national governing bodies.  
64 ASASU is mandated to provide a unified forum for inter-university  
65 dialogue, to organize student involvement, and to administer  
66 services, resources, and programs that benefit the greater student  
67 population.

68  
69 Having been created and approved by the students of Arizona State  
70 University at the Tempe Campus this document hereby establishes  
71 the ASASU as the recognized governing body of students at the  
72 Arizona State University Tempe Campus.”

73  
74 with

75  
76 “We, the graduate and professional students of Arizona State  
77 University, in order to provide a representative student  
78 government, hereby form the Graduate and Professional Student  
79 Association, and establish this Constitution. GPSA exists to  
80 represent, advocate, on behalf of the graduate and professional  
81 student body, support university administration and local, state,  
82 and national governing bodies. GPSA is mandated to provide a  
83 unified forum for inter-university dialogue, to organize graduate  
84 and professional student involvement, and to administer services,  
85 resources, and programs that benefit the greater graduate and  
86 professional student population.  
87

88 Having been created and approved by the graduate and  
89 professional students of Arizona State University this document  
90 hereby establishes the GPSA as the recognized governing body of  
91 graduate and professional students at Arizona State University.”;

92  
93 5) In TITLE I, Article I, SUBSTITUTE

94  
95 “The Associated Students of Arizona State University is hereby  
96 established under this Constitution and shall consist of the  
97 following independent governing organizations: the Undergraduate  
98 Student Government (USG), and the Graduate and Professional  
99 Student Association (GPSA).”

100  
101 with

102  
103 “The Graduate and Professional Student Association of Arizona  
104 State University is hereby established under this Constitution.”;

105  
106 6) In TITLE I, Article 2, STRIKE Section I and renumber the following sections  
107 accordingly;

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109 7) In TITLE I, Article 2, STRIKE the “Section 2” heading;

110  
111 8) In TITLE I, Article 3, Paragraph 1, STRIKE “of each independent governing  
112 organization”;

113  
114 9) In TITLE I, Article 3, SUBSTITUTE each use of “ASASU” with “GPSA”;

115  
116 10) STRIKE Title II and renumber the following titles accordingly;

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118 11) In Title III, Article 2, Section 1(B), STRIKE the words, “, Section 2”;

119  
120 12) In Title III, STRIKE Article 4;

121  
122 13) SUBSTITUTE

123  
124 “TITLE IV  
125 JUDICIARY

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127 Article 1 – Supreme Court Judiciary Structure

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129 Section 1. Judicial Powers

130 The judicial powers of the ASASU shall be vested in the Supreme  
131 Court and any lower courts established by the USG or GPSA.

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133 Section 2. Jurisdiction

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A. The Supreme Court and any lower courts shall have jurisdiction over all disputes arising under this Constitution or any Bylaws established pursuant to this Constitution. In addition, they shall have any other jurisdiction the USG Assembly or the GPSA Assembly may provide in their Bylaws.

B. The decision of the Supreme Court on any disputes arising under the ASASU Constitution shall be final, except in the case of impeachment of a Supreme Court Justice.

C. The Supreme Court shall retain original jurisdiction over disputes arising between USG, GPSA, or any other organizations or departments created by ASASU.

D. The Supreme Court shall retain all jurisdiction not delineated by the USG or the GPSA to any lower court and appellate jurisdiction over all disputes.

### Section 3. Composition

A. The Supreme Court shall consist of five Justices.

#### B. Selection of Justices

1. Following ASASU elections, the sitting President of USG shall nominate three Supreme Court Justices, and the sitting President of GPSA shall nominate two Supreme Court Justices. Application processing and deadlines shall be defined in each representative body's bylaws.

2. USG nominations shall be confirmed by a two-thirds vote of the sitting USG Senate and GPSA nominations shall be confirmed by a two-thirds vote of the sitting GPSA Assembly. Confirmation shall occur no later than the final legislative sessions of USG and GPSA.

C. Conference Committee shall appoint a Supreme Court Clerk to perform all administrative duties outlined in Article 2, Section 3 of this Title.

1. Conference Committee will accept applications for the position of Supreme Court Clerk from the Arizona State University Tempe Campus student body.

2. A final appointment will be made by a two-thirds vote of the

180 Conference Committee and the Clerk shall begin serving his or her  
181 term at noon on the Monday following the May commencement  
182 ceremony and shall serve for one year.

183  
184 Section 4. Term  
185 The Justices' terms begin at noon on October 1 and shall continue  
186 until noon of the following October 1

187  
188 Section 5. Impeachment  
189 Any Supreme Court Justice may be impeached for malfeasance by  
190 a two-thirds vote of both the USG Senate and the GPSA Assembly.

191  
192 Section 6. Removal  
193 Following completion of impeachment procedures, any Supreme  
194 Court Justice may be removed by a three-fourths vote of both the  
195 USG Senate and GPSA Assembly.

196  
197 Section 7. Replacement  
198 In the event of a vacancy on the Supreme Court, a replacement  
199 shall be nominated by the President of the body that originally  
200 nominated the Justice for confirmation by the respective legislative  
201 body by two-thirds vote. Application processing and deadlines  
202 shall be defined in each representative body's bylaws.

203  
204 Section 8. Standing  
205 A case may be brought before the Supreme Court by any member  
206 of the USG or the GPSA.

207  
208 Section 9. Decisions  
209 Decisions and opinions shall be written, posted, and placed in a  
210 permanent file of the ASASU and remain publicly available for all  
211 ASASU students as administered by the Supreme Court Clerk.

212  
213 Section 10. Academic Standing  
214 Only ASASU members in good academic standing, as defined by  
215 the University, shall serve on the Supreme Court.

216  
217 Article 2 – Supreme Court Rules and Procedures

218  
219 Section 1. Judicial Code  
220  
221 A. Upon appointment, the Supreme Court Justices shall adopt a  
222 Judicial Code to govern the internal rules and procedures of the  
223 judiciary. This Code shall be recorded and made publicly available  
224 by the Supreme Court Clerk.

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226 B. Deadlines for court filing and public filing of court cases shall  
227 be  
228 established by the Judicial Code.  
229  
230 C. The Judicial Code shall be reviewed and approved by a majority  
231 vote of the Conference Committee no later than the third regular  
232 meeting of the Fall semester.  
233  
234 Section 2. Quorum  
235  
236 A. Quorum for the Supreme Court shall be defined as four sitting  
237 justices.  
238  
239 B. Quorum shall be required to hear cases and to issue decisions.  
240  
241 Section 3 . Duties of the Court Clerk  
242  
243 A. The Court Clerk shall organize and maintain court files for the  
244 courts.  
245  
246 B. The Court Clerk is also responsible for getting evidence and  
247 court papers to each member of the judiciary for each case brought  
248 before the courts as appropriate.  
249  
250 C. The Court Clerk shall make pleadings and court decisions  
251 publicly available.  
252  
253 D. The Court Clerk may be removed following the request of the  
254 Supreme Court, subject to the approval of the Conference  
255 Committee.”  
256  
257 with  
258  
259 “TITLE IV  
260 JUDICIARY  
261  
262 Article 1 – Supreme Court Judiciary Structure  
263  
264 Section 1. Judicial Powers  
265 The judicial powers of the GPSA shall be vested in the Supreme  
266 Court and any lower courts established by the GPSA.  
267  
268 Section 2. Jurisdiction  
269  
270 A. The Supreme Court and any lower courts shall have jurisdiction  
271 over all disputes arising under this Constitution or any Bylaws

272 established pursuant to this Constitution. In addition, they shall  
273 have any other jurisdiction the GPSA Assembly may provide in  
274 their Bylaws.

275  
276 B. The decision of the Supreme Court on any disputes arising  
277 under the ASASU Constitution shall be final, except in the case of  
278 impeachment of a Supreme Court Justice.

279  
280 C. The Supreme Court shall retain original jurisdiction over  
281 disputes arising between GPSA, and any other organizations or  
282 departments created by GPSA.

283  
284 D. The Supreme Court shall retain all jurisdiction not delineated by  
285 the GPSA to any lower court and appellate jurisdiction over all  
286 disputes.

287  
288 Section 3. Composition

289  
290 A. The Supreme Court shall consist of five Justices.

291  
292 B. Selection of Justices

293  
294 1. Following ASASU elections, the sitting President of GPSA shall  
295 nominate two Supreme Court Justices. The sitting President of the  
296 Assembly shall nominate two Supreme Court Justices. The Sitting  
297 Chair of the Government Operations committee shall nominate one  
298 Supreme Court Justice. Application processing and deadlines shall  
299 be defined in the bylaws.

300  
301 2. GPSA nominations shall be confirmed by a two-thirds vote of  
302 the sitting GPSA Assembly and shall not be subject to the veto of  
303 the GPSA President. Confirmation shall occur no later than the  
304 final legislative sessions of GPSA.

305  
306 C. The Government Operations Committee shall appoint a  
307 Supreme Court Clerk to perform all administrative duties outlined  
308 in Article 2, Section 3 of this Title.

309  
310 1. The Government Operations Committee will accept applications  
311 for the position of Supreme Court Clerk from the Arizona State  
312 University student body.

313  
314 2. A final appointment will be made by a two-thirds vote of the  
315 Government Operations Committee and the Clerk shall begin  
316 serving his or her term at noon on the Monday following the May  
317 commencement ceremony and shall serve for one year.

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Section 4. Term

The Justices’ terms begin at noon on Monday following the May Commencement Ceremony and shall continue until noon of the Monday following the May Commencement Ceremony of the following year.

Section 5. Impeachment

Any Supreme Court Justice may be impeached for malfeasance by a two-thirds vote of the GPSA Assembly.

Section 6. Removal

Following completion of impeachment procedures, any Supreme Court Justice may be removed by a three-fourths vote of the GPSA Assembly.

Section 7. Replacement

In the event of a vacancy on the Supreme Court, a replacement shall be nominated by the officer from which the preceding justice was nominated for confirmation by the Assembly by a two-thirds vote not subject to the veto of the GPSA President. Application processing and deadlines shall be defined by bylaws.

Section 8. Right to Bring a Case

A case may be brought before the Supreme Court by any member of the GPSA.

Section 9. Decisions

Decisions and opinions shall be written, posted, and placed in a permanent file of the GPSA and remain publicly available for all GPSA students as administered by the Supreme Court Clerk.

Section 10. Academic Standing

Only GPSA members in good academic standing, as defined by the University, shall serve on the Supreme Court.

Article 2 – Supreme Court Rules and Procedures

Section 1. Judicial Code

A. Upon appointment, the Supreme Court Justices shall adopt a Judicial Code to govern the internal rules and procedures of the judiciary. This Code shall be recorded and made publicly available by the Supreme Court Clerk.



- 363 B. Deadlines for court filing and public filing of court cases shall  
364 be established by the Judicial Code.  
365  
366 C. The Judicial Code shall be reviewed and approved by a majority  
367 vote of the Government Operations Committee no later than the  
368 third regular meeting of the Fall semester.  
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370 Section 2. Quorum  
371  
372 A. Quorum for the Supreme Court shall be defined as four sitting  
373 justices.  
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375 B. Quorum shall be required to hear cases and to issue decisions.  
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377 Section 3 . Duties of the Court Clerk  
378  
379 A. The Court Clerk shall organize and maintain court files for the  
380 courts.  
381  
382 B. The Court Clerk is also responsible for getting evidence and  
383 court papers to each member of the judiciary for each case brought  
384 before the courts as appropriate.  
385  
386 C. The Court Clerk shall make pleadings and court decisions  
387 publicly available.  
388  
389 D. The Court Clerk may be removed following the request of the  
390 Supreme Court, subject to the approval of the Government  
391 Operations Committee.”

392  
393 14) SUBSTITUTE

394  
395 “Article 1 – Elections Department

396  
397 The Elections Department shall exercise independent authority  
398 over ASASU elections, referenda, and initiatives.  
399

400 A. The Elections Department shall exercise independent  
401 authority over ASASU elections, referenda, and initiatives.  
402

403 B. Selection of Elections Director:

404  
405 1. The Conference Committee shall administer the selection  
406 process for the Elections Director.  
407

408 2. The nomination shall be confirmed by a two-thirds vote of  
409 the Conference Committee. Upon confirmation, the individual  
410 shall assume the position of Elections Director.  
411

412 C. Term of Elections Department:  
413

414 1. The Elections Director shall be confirmed by the Conference  
415 Committee by October 1 and shall serve until the new Elections  
416 Director is confirmed by Conference Committee.  
417

418 2. The Assistant Elections Director shall be confirmed by  
419 Conference Committee following his/her selection by the Elections  
420 Director. The Assistant Elections Director shall serve until the new  
421 Elections Director is confirmed by Conference Committee.  
422

423 D. Duties of the Elections Department:  
424

425 1. The Elections Director shall have the authority to hire an  
426 Assistant Director or Directors, subject to confirmation by two-  
427 thirds of the Conference Committee.  
428

429 2. The Elections Director shall interpret and enforce the election  
430 and petition provisions developed and codified by USG and GPSA  
431 in their organizational Bylaws and in Titles II and III of this  
432 Constitution.  
433

434 3. The Elections Department shall evaluate the mechanisms by  
435 which students may vote annually, and shall investigate the  
436 efficacy and potential usefulness of new voting technologies.  
437

438 4. The Elections Department shall advertise and promote the  
439 candidacy and election process.  
440

441 5. The Elections Department shall have the sole authority to  
442 administer USG and GPSA elections and referenda.  
443

444 6. The Elections Department shall be bound by the duties defined  
445 in this Constitution and by any policies or procedures adopted by  
446 Conference Committee pursuant to this Constitution.  
447

448 7. Following the end of the election process, the Elections  
449 Director shall present an official report to the Conference  
450 Committee detailing the successes and failures of the Department,  
451 any issues that arose with the election, voting methods and any  
452 other issues the Elections Director deems pertinent.  
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D. Removal of Elections Director:

1. The Elections Director may be removed from the position for willful neglect of duty, gross incompetence, gross negligence or for any fraudulent actions.

2. Allegations against the Elections Director shall be filed with the Supreme Court.

3. In the event the Supreme Court finds sufficient cause exists, it may remove the Elections Director.

4. In the event the Elections Director resigns or is removed from office, the Assistant Elections Director will automatically advance to the position of Elections Director and may then appoint a new Assistant Elections Director who shall be subject to confirmation by the Conference Committee.

In the event both the Elections Director and Assistant Elections Director(s) resign or are removed from office, a new Elections Director shall be appointed by a two-thirds vote of the Conference Committee and shall serve for the remainder of the term.

Article 2 – Elections Procedures

Section 1. Election Procedures; USG

A. Elections shall be held in the Spring semester for all executive and legislative offices established under Title II of this Constitution.

B. Elections shall be by secret ballot.

C. The USG Senate may enact Bylaws further defining the election process and providing for violations and disputes.

Section 2. Election Procedures; GPSA

A. Elections shall be held in the Spring semester for all executive and legislative offices established under Title III of this Constitution.

B. Elections shall be by secret ballot.

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C. The GPSA Assembly may enact Bylaws further defining the election process and providing for violations and disputes.

Section 3. Procedures for Joint Referenda

A. Referenda that affect the entire membership of ASASU must be passed by Conference Committee before being presented in exactly the same form to the legislative bodies of USG and GPSA. If either legislative body proposes changes to the referendum, the referendum must be returned to Conference Committee for revision before being re-submitted to each legislative body. The referendum must then be approved by two-thirds of each legislative body to appear on the ballot.

B. Any referendum that fails to garner two-thirds support in the legislative bodies of both USG and GPSA shall not appear on the ballot.”

with

“Article 1 – Elections Department

The Elections Department shall exercise independent authority over GPSA elections, referenda, and initiatives.

A. Selection of Elections Director:

1. The Government Operations Committee shall administer the selection process for the Elections Director.

2. The nomination shall be confirmed by a two-thirds vote of the Government Operations Committee. Upon confirmation, the individual shall assume the position of Elections Director.

B. Term of Elections Department:

1. The Elections Director shall be confirmed by the Government Operations Committee by October 1 and shall serve until the new Elections Director is confirmed by Government Operations Committee.

544 2. The Assistant Elections Director shall be confirmed by  
545 the Government Operations Committee following his/her  
546 selection by the Elections Director. The Assistant Elections  
547 Director shall serve until the new Elections Director is  
548 confirmed by Government Operations Committee.  
549

550 C. Duties of the Elections Department:

551  
552 1. The Elections Director shall have the authority to hire  
553 an Assistant Director or Directors, subject to confirmation  
554 by two-thirds of the Government Operations Committee.  
555

556 2. The Elections Director shall interpret and enforce the  
557 election and petition provisions developed and codified by  
558 GPSA in the Bylaws this Constitution.  
559

560 3. The Elections Department shall evaluate the  
561 mechanisms by which students may vote annually, and  
562 shall investigate the efficacy and potential usefulness of  
563 new voting technologies.  
564

565 4. The Elections Department shall advertise and promote  
566 the candidacy and election process.  
567

568 5. The Elections Department shall have the sole authority  
569 to administer the GPSA elections and referenda.  
570

571 6. The Elections Department shall be bound by the duties  
572 defined in this Constitution and by any policies or  
573 procedures adopted by Government Operations Committee  
574 pursuant to this Constitution.  
575

576 7. Following the end of the election process, the Elections  
577 Director shall present an official report to the Government  
578 Operations Committee detailing the successes and failures  
579 of the Department, any issues that arose with the election,  
580 voting methods and any other issues the Elections Director  
581 deems pertinent.  
582

583 D. Removal of Elections Director:

584  
585 1. The Elections Director may be removed from the position  
586 for willful neglect of duty, gross incompetence, gross  
587 negligence or for any fraudulent actions.  
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2. Allegations against the Elections Director shall be filed with the Supreme Court.

3. In the event the Supreme Court finds sufficient cause exists, it may remove the Elections Director.

4. In the event the Elections Director resigns or is removed from office, the Assistant Elections Director will automatically advance to the position of Elections Director and may then appoint a new Assistant Elections Director who shall be subject to confirmation by the Government Operations Committee.

5. In the event both the Elections Director and Assistant Elections Director(s) resign or are removed from office, a new Elections Director shall be appointed by a two-thirds vote of the Government Operations Committee and shall serve for the remainder of the term.

#### Article 2 – Elections Procedures

A. Elections shall be held in the Spring semester for all executive and legislative offices established under this Constitution.

B. Elections shall be by secret ballot.

C. The GPSA Assembly may enact Bylaws further defining the election process and providing for violations and disputes.”

15) STRIKE Title VI, Articles 1, 2, 3, and 4, and renumber the following articles accordingly;

16) In Title VI, Article 6, SUBSTITUTE

“Article 6 – Amendment

Section 1. Amendments to Titles II and III Proposals to amend Titles II and III of this Constitution shall be amended according to the procedures set forth in those Titles, respectively.

Section 2. Amendments to Title I, IV, V, VI

634 A. Proposals to amend Titles I, IV, V and VI of this Constitution  
635 shall be considered by the Conference Committee.

636  
637 B. The proposal shall be sent to the respective legislative bodies  
638 for  
639 consideration.

640  
641 C. To appear on the ballot, the proposed amendment shall have  
642 been approved by two-thirds of both the USG Senate and the  
643 GPSA Assembly.

644  
645 D. The proposed amendment must be made public to the student  
646 body at least one week prior to the election.

647  
648 E. If the proposed amendment for Title I, IV, V, and VI receives a  
649 majority of the votes cast in the ASASU election, the appropriate  
650 Title(s) shall be declared amended.”

651  
652 with

653  
654 “Article 6 – Amendments

655  
656 Proposals to amend this constitution shall originate by a vote of  
657 two-thirds (2/3) of present and voting Assembly Members. The  
658 proposal shall be scheduled for a vote in the next general election  
659 or in a referenda vote of the GPSA membership. Detailed notice of  
660 the proposed amendment shall be made public during at least the  
661 week prior to the general election. If this proposal receives a  
662 majority of the votes cast by the GPSA members in this election,  
663 this constitution shall be declared amended.”

664 ;

665  
666 17) At the end of the document ADD a Title to be labeled “Joint Governmental  
667 Agreements” containing the following text:

668  
669 “Section 1 – Joint Governmental Agreements

670  
671 Any formal agreement between the Undergraduate Student  
672 Government of any ASU campus and the Graduate and  
673 Professional Student Association shall be binding to the operations  
674 of the Graduate and Professional Student Association as would the  
675 bylaws if the agreement:

- 676 1. is ratified by a majority of the Graduate and Professional  
677 Student Association Assembly and the respective  
678 Undergraduate Student Government legislative body  
679 2. is binding on that Undergraduate Student Government and

680 3. is not in violation of this constitution.

681  
682 Section 2 – The Associated Students of Arizona State University

683  
684 The GPSA is a member government of the Associated Students of  
685 Arizona State University. The GPSA recognizes the  
686 Undergraduate Student Government as a part of the Associated  
687 Students of Arizona State University.”

688  
689  
690 REQUESTS that the Undergraduate Student Government propose identical amendments  
691 and further call for a referendum of undergraduate students;

692  
693 DEEMS these proposed amendments to have been considered by the Conference  
694 Committee.