

**Section 12: Resolution of the Association Legislative Bodies
Concerning the 1996, 1997, and 1999 Letters of Acceptance**

**To Ratify the University's Interpretations & Conditions
for the Spring 1996, Spring 1997, and Spring 1999 Constitutional
Amendments**

Executive Committee Bill 1-XCOM-1

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Submitted for Consideration: 20 October 1999

Action Requested: Approval; requires a 2/3 majority vote of each Association legislative body

WHEREAS the Spring 1999 Constitutional Amendments ("An ASSU for All Students") were overwhelmingly approved by both the graduate and undergraduate populations, and

WHEREAS President Casper accepted the Spring 1999 Constitutional Amendments with sundry interpretations and conditions, and

WHEREAS the Spring 1999 Constitutional Amendments will not fully take effect until those interpretations and conditions are ratified by the relevant Association legislative bodies, or otherwise dealt with, and

WHEREAS there are a number of interpretation and conditions from previous Letters of Acceptance that were never ratified by the ASSU Senate, and

WHEREAS certain elements of the October 1, 1999 Letter of Acceptance require comment, as they display a lack of awareness of the context of the Spring 1999 Constitutional Amendments, and

WHEREAS it is our belief that the Dean of Students office has consistently tried to undermine the Spring 1999 Constitutional Amendments, both before and after President Casper's October 1, 1999 Letter of Acceptance, despite the 96.7% of the graduate vote and the almost 80% of the undergraduate vote that the amendments received,

THEREFORE be it ratified by the legislative bodies of this Association

THAT the following condition from President Casper's May 10, 1996 Letter of Acceptance:

"The University approves the amendments on the condition that each and every provision in the Constitution, including Article I, Section 6, be interpreted in light of and subject to the terms of the following introductory clause which is to precede the Constitution (which clause is drawn from language required by the Board of Trustees as a condition of its approval of the 1963 Constitution):

"In order to encourage responsible citizenship and the exercise of individual and corporate responsibility on the part of students in the government of student affairs and activities, Stanford University, by approval of this Constitution, authorizes the Associated Students of Stanford University to exercise and discharge major privileges and responsibilities within the framework of policies and regulations established by the University through the President of the University and the Board of Trustees."

This approval is conditioned on the understanding that the Board of Trustees retains ultimate and final authority over the University under law and under the Founding Grant, anything to the contrary stated or suggested in this Constitution notwithstanding."

is hereby accepted, and

THAT the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"The reference in Article I, Section 7 (2) to "all meetings of bodies" is interpreted to mean "all meetings of student bodies.""

is hereby accepted, and

THAT the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"Article I, Section 8 is interpreted to mean that "[t]he power to amend this Constitution [which] shall in perpetuity be vested in the members of the Association" shall be exercised pursuant to the terms and procedures of Article VII of this Constitution."

is hereby accepted, and

THAT the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"The reference to "constitutionality" in Article IV, Section 2 A and throughout is interpreted to mean "constitutionality under the ASSU Constitution.""

is hereby accepted, and

THAT the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"Because the Constitution is silent on this point, it is my understanding that the initial membership in the Constitutional Council described in Article IV, Section 2 B will be selected in the manner set forth in Section 2 B (2) of that Article."

is hereby accepted, and

THAT the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"The statement in Article IV, Section 2 D that "[t]he Council shall not have the power to indict" is interpreted to mean that the Constitutional Council shall play no role in the process of student discipline in any fashion."

is hereby accepted, and

THAT the following condition in President Casper's May 10, 1996 Letter of Acceptance:

"The amendment that proposes to delete Article V, Section 2 F (which Section 2 F reads "Approval of the University: Upon certification of the appropriate election result, the Senate shall submit all those Special Fee requests which were approved by the Association, and the General Fee amounts authorized by the Association, to the President of the University for his or her approval") is interpreted as follows: that the University, of course, retains the ability not to collect any fee that it finds to be contrary to the policies and regulations established by the University or outside of the educational mission of the University.

For the reasons already discussed concerning the relationship between the ASSU and the University, and for the further reason that (under Article V, Section 3 B) it is the University that collects on behalf of the ASSU the fees that the ASSU imposes on the University's students, this understanding is necessary and is a condition to the University's acceptance of the amendments to the Constitution."

is hereby accepted, and

THAT the following understanding in President Casper's May 10, 1996 Letter of Acceptance:

"Pursuant to the terms of the last sentence of Article VII, Section 4, the approved Letters of Acceptance specifying conditions or interpretations of the Board of Trustees or of the President of the University -- including those letters from the period of 1969 to the present currently appended to the Constitution, as well as this letter -- shall continue to be included in and be a part of the Constitution, and should be placed in an appendix thereto."

is hereby accepted, and

THAT the following correction in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 1: Article VII, Section 1, Subsection B, Paragraphs 1-3 and Subsections 1-4: Replace nor with not in the sentence: "If the Senate has not placed the proposed amendment on the ballot for the specified election by the end of the regular meeting of the Senate following the meeting at which the notice was given, then petitions proposing that amendment may be circulated by members of the Association."

is hereby accepted, although it is noted that the error it corrected was the result of a ballot misprint, and not an oversight on the part of the authors of the bill, and

THAT the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 1. Article VI, Section 1 should be modified to read:

"Section 1: Powers of the Membership of the Association

D. Calling of Elections

5. The Association shall have the power to call an election at any time.
6. General elections are those in which all members of the Association are eligible to vote.
7. Special elections are those in which only a well-defined subset of the Association is eligible to vote.

8. The Association Spring Quarter General Election is the particular general election which shall be held on two consecutive weekdays during the second, third, or fourth week of spring quarter."

is hereby accepted, and

THAT the following interpretation in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 2: Article VII, Section 6: "[sic] Integrity of this Document. The official text of this constitution shall consist of its original text and letters of acceptance, appended with its amendments and associated letters of acceptance, numbered sequentially. All amendments that are placed on the ballot shall be numbered sequentially without regard for year." [sic]

I interpret this to mean that a master file of the constitution with amendments and associated letters of acceptance as described above will be kept by ASSU; however the standard working document will reflect all edited changes."

is hereby accepted, and

THAT the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 3: Article IV, Section 2, Subsection C, Paragraph 1 should be modified to read: "Unless a majority of the Council deems it frivolous, the chair of the Council shall call a meeting of the Council within seven days of receipt of petitions of 5 percent of the members of the Association, a written request of the President or Vice President, or a petition signed by 5 members of the Senate."

is hereby accepted, and

THAT the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 4: Article 1, Section 7, Subsection 7, Paragraph 1 should be modified to read Article 1, Section 7, Subsection 7, Paragraph 1."

is hereby accepted, although it is again noted that the error it corrected was the result of a ballot misprint, and not an oversight on the part of the authors of the bill, and

THAT the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 7: Article II, Section C, Subsection 6 should be modified to read Article II, Section 2, Subsection C, Paragraph 6., Subparagraphs 1-4. The passage which reads "6. Unless and until the Senate reapportions districts...of their choice." Should be struck in its entirety."

is hereby accepted, yet again with the note that the error it corrected was the result of a ballot misprint, and not an oversight on the part of the authors of the bill, and

THAT the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

"That the references to "consensus" in Article III, Section 6 shall be interpreted to mean "an opinion or position reached by a group as a whole, where each member of the group is willing to accede to the decision."

is hereby accepted, and

THAT the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

" That Article III, Section 6.6 shall be understood to mean that in the absence of consensus, there will be no joint meeting of the Association legislative bodies."

is hereby accepted, and

THAT the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

"That Article III, Section 6.7 shall be interpreted to mean that for items of business that the Executive Committee deems deserving of joint consideration, these items must be approved by both legislative bodies according to procedures identified in the Constitution or in each legislative body's respective By-Laws; and that without such approval from both legislative bodies, no action is taken."

is hereby accepted, and

THAT the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

"That Article V, Section 9.C.1, C.2, and D and Article VI, Section 4.B.3.b be approved with the interpretation that the words "the Senate" refer to "the relevant Association legislative bodies."

is hereby accepted, and

THAT the following rejection in President Casper's October 1, 1999 Letter of Acceptance:

"The second and third sentences of Article VII, Section 3 (unconditional acceptance if the University takes no action on the proposed amendment within 90 days) were apparently sought to be reintroduced in the 1999 Spring Constitutional Amendments even though I rejected such a clause in my may 10, 1996 letter of acceptance of the Spring 1996 Constitutional Amendments. I stand by my earlier rejection of this section, in which I stated:

"Although I am confident that I or a future president of the University would act expeditiously in reviewing submitted amendments, one can readily imagine a situation in which either the issues involved or the surrounding circumstances, or both, would make the 90 day deadline unreasonable. In addition, it is inappropriate for this amendment to seek to impose such a requirement on the University.""

is hereby accepted, despite its denial of the clear will of the Stanford student body, because the slowness of certain elements of the University in responding to the Spring 1999 Constitutional Amendments has made it clear that this otherwise reasonable requirement is not feasible, and

THAT regarding the October 1, 1999 Letter of Acceptance's suggestion "that the ASSU work with the Dean of Students and his staff...early in the preparation process of any future proposed constitutional amendments" and "that future amendments are developed using the Dean of Students and his staff as a resource early in the process", in accordance with

President Casper's previous statement in the May 10, 1996 and October 1, 1999 Letters of Acceptance:

"As a matter of educational philosophy, the University subscribes to the view that the student body should be given wide latitude in creating the forms and functions of student government, and in addressing the issues and activities within the purview of that student government."

the ASSU reserves to itself the right to determine when and if the Dean of Students and his staff will be consulted regarding future constitutional amendments, and

THAT

the Dean of Students and his staff will be welcomed by the ASSU as partners in improving the quality of student life at Stanford, provided they acknowledge and support the forms, functions, and intent of Stanford student government, as created by the Stanford student body.