



Policy # 10-08

The University Park Undergraduate Association (UPUA)

The Pennsylvania State University

2008 - 2009 Session

[December 3rd, 2008]

*Be it Enacted by the Association, having been considered by the
Assembly of Student Representatives Ad Hoc Committee on Presidential Commissions a*

POLICY

Constitutional Amendment Defining President Commissions

&

SOCC-UPUA Merger Agreement Modifications

(Decided: [32/0/0])

Nature of the Situation:

The Assembly charged an ad hoc committee to review the authorities of the President to create a commission within the context of the UPUA Constitution given Policy # 4 Recreation Commission. Concerns existed about circumventing the constitutional prescribed balance of powers and restrictions placed on the Executive Board. Given this mission, the ad hoc committee deliberated on the best approach to answer questions surrounding the constitutionality of such commissions given the need for UPUA's roles in establishing entities outside the UPUA. Furthermore, the UPUA Constitution outlines the establishment of an "Elections Commission" but gives no clear definition of what this yearly commission does. The ad hoc committee decided that amending the UPUA Constitution to clarify what a commission is and does would be the most direct means to alleviate concerns and ensure the proper use of this authority as to prevent abuse.

In addition, the ad hoc committee explored the merger agreement between UPUA and SOCC. It was recommended in the agreement and through negotiations that the Board, with the potential of new authorities, be expanded and allowed to accommodate these authorities and the existing membership of SOCC. The Constitution should be reflective of these desires.

Rule/Procedure/Code:

The UPUA Constitution Article VI shall be amendment with the insertion of the following section:

“§6.4 Commissions

1 §§6.4.1 A commission is an affiliated non-subsubsidiary of the UPUA Executive Board that is
2 established for a specific need or function that cannot be met within the structure or
3 restrictions of a Department or Committee of the UPUA.

4
5 §§6.4.2 Establishment

6 cl. i A commission can only be established by the Assembly via the legislative process.
7 cl. ii A commission will be indirectly related to UPUA as a semi-autonomous body, overseen by
8 the Executive Board, and regulated by the Assembly.

9
10 §§6.4.3 Membership

11 cl. i Members of the UPUA may serve on a commission free from the restrictions of the
12 'exclusion clause' of 4.2.2.
13 cl. ii Membership of a commission is not restricted to undergraduate students and may include
14 administrators, graduate students, and community members.
15 cl. iii Membership of a commission shall be chosen as specified in the authorizing legislation.

16
17 §§6.4.4 Criteria for Establishment

18 cl. i Commissions can be established for the purposes of investigating, researching, and
19 reporting on specified issues on behalf of the UPUA.
20 cl. ii Commissions can be established to carry out a task or event that necessitates it being
21 indirectly related to the UPUA.
22 cl. iii Commissions can be established in order for collaboration between necessary parties to
23 achieve their assigned goals.
24 cl. iv Commissions can be charged according to, but not limited to, the above criteria."

25
26 Additionally, Article VII UPUA Board of Arbitration shall be amended by the insertion of the
27 following:

28
29 "§§7.1.4 Regulate and define the conduct process as well as properly adjudicate disputes and violations
30 of student organizations."

31
32 "§§7.1.2 Assume all duties prescribed by the Assembly."

33
34 Article VII Section 2.1 clause i shall be amended to the following:

35
36 *Old-*

37 "cl. i There shall be Seven (7) members of the Board of Arbitration, one of which shall be head.
38 Collectively they shall carry out the business of the Board of Arbitration."

39
40 *Amended-*

41 "cl. i There shall be nine (9) members of the Board of Arbitration, of which there shall be a head(s)
42 Collectively they shall carry out the business of the Board of Arbitration."

43
44 Article VII Section 2.1 clause ii shall be amended to the following:

45 *Old-*

1 "cl ii. The Board of Arbitration members shall be appointed to their offices by the
2 President."

3
4 Amended-

5 "cl. ii The Board of Arbitration members shall be appointed to their offices by the President
6 and confirmed by the Assembly."

7
8 Clarification Amendments:

9 Amend 5.2.2 cl.ii - Remove "Funding Allocation Board (FAB), and student Organization
10 Conduct Committee (SOCC)" and insert "and" prior to Student Programming Agency (SPA).

11
12 Insert in 4.1.1 cl.iii after "rue and equity" to read:
13 "within the UPUA and student organization conduct"

14
15 Insert in 7.1.1 cl.iii after "within the UPUA" to read:
16 "and student organization conduct"

17
18 Insert in 7.1.3 cl.iii after "interpretations of this Constitution" to read:
19 "and hearings related to student organization conduct"

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21 Respectfully submitted,

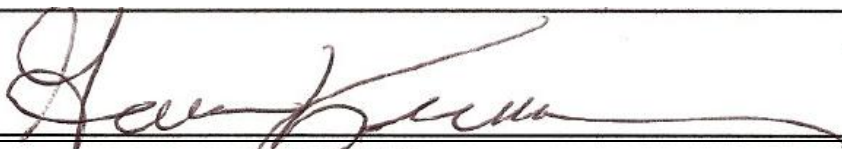

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23 Ad Hoc Committee on Presidential Commissions:

24
25 Ralph Crivello Sean Meloy Peter Khoury
26 Chairman UPUA Assembly Vice-Chairman ID Internal Development

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29 Christopher Nock Hubert Hines Christian Ragland
30 Diversity / Student Life Facilities
31 Diversity / Student Life

32
33 Ad Hoc Committee Vote: 4/0/0 Signature of the Assembly Chairman: *Ralph K. Crivello*

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[President]

Veto

President, University Park Undergraduate Association