

IN THE CONSTITUTION COURT
OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF OREGON

MICHELLE HALEY,
PETITIONER,

v.

NATHAN PERLEY,
STUDENT SENATOR, ASSOCIATED STUDENTS OF UNIVERSITY OF
OREGON

IN FAVOR OF THE IMMEDIATE VACANCY
OF STUDENT SENATE SEAT 13

Chief Justice Bogar and honorable members of the ASUO Constitution Court,

I respectfully submit a petition for review to this Court regarding the non-fulfillment of duties of Student Senator Nathan Perley. As an incidental fee paying student and member of this Association, I expect student leaders to fulfill the duties they have voluntarily placed upon themselves. It is with this spirit of accountability and eagerness to hold our public servants true to their words that I highlight the following areas in which Senator Perley is in non-fulfillment of duties:

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- I. Eight (8) counts of non-fulfillment of duties as the Student Senate Treasurer.**

- II. Three (3) counts of non-fulfillment of duties as an ASUO Academic Senator.**

- III. Remedy requested**

ASUO Constitution 14.3 states,

“Non fulfillment of duties for three weeks will be considered a vacancy of any office elected or appointed under this Constitution.”

The Court will find that the violations listed below are not only instances where Senator Perley has failed to perform his duties, but also violations that have occurred longer than a period of three (3) weeks.

I. SIX COUNTS OF NON-FULFILLMENT OF DUTIES AS THE STUDENT SENATE TREASURER

Violation 1

3.4(b) Provide a weekly report on the remaining surplus funds, over-realized funds, and the Student Senate program budget.

Senator Nathan Perley was elected Student Senate Treasurer on October 8, 2008. Since his election, he has failed to provide a single report of remaining surplus funds, over-realized funds, and the Student Senate program budget. Minutes from ASUO Student Senate meetings show that he has never made any reports of substance related to his position as the Treasurer.

Violation 2

3.4(c) Organize fund-raising activities and collect all moneys raised.

To date, Senate Treasurer Perley has failed to organize any fund-raising activities for the ASUO Student Senate. While Senator Perley does not hesitate to criticize student programs submitting special requests regarding their fundraising, he has failed to fulfill this duty of the Senate

Treasurer. Again, minutes from meetings of the Student Senate or any of its standing committees verify this claim.

Violation 3

3.4(e) Assist any Senators with financial questions.

Minutes from meetings of the ASUO Student Senate show that Senator Perley never answered questions or provided updates to the Student Senate of any substance regarding finances.

Violation 4

3.4(f) Act as a financial liaison between the ASUO Controllers and the Student Senate.

Senator Perley failed to notify the ASUO Controllers office regarding important changes to the ASUO Student Senate rules impacting how ASUO accounts and finances are managed, including changes deadlines for Special Request submission to the Student Senate.

Violation 5

3.4(g) Review Special Request that come before the Student Senate and bring a copy of programs ledger and budget to the Student Senate Hearing.

Over the past several weeks, a number of special requests submitted to Student Senate have contained errors that would have otherwise been corrected if the Senate Treasurer had reviewed these requests. Not only did these errors disrupt the operations of the Student Senate, it may have caused distress to the student programs presenting these Special Requests.

Also, Senator Perley has never brought a copy of a programs ledger to the Senate meetings. These ledgers provide important financial information regarding group spending and history. Senator Perley's failure to bring

program ledgers to Senate meetings highlights his failure to fulfill 3.4(f) as only the ASUO Controllars office could print him copies of these documents.

Violation 6

3.4(h) Work in collaboration with Student Executive Programs Administrator to act as a resource for ASUO programs, departments, and contracts.

Senator Perley failed to contact the current ASUO Programs Administrator to fulfill his duty of acting as a resource for ASUO programs, departments, and contracts. Despite several Programs Council Meetings and Budget Trainings led by the current ASUO Programs Administrator, Senator Perley did not participate in these outreach and budget education initiatives.

Violation 7

8.2(b) The Finance Committee shall be responsible for the drafting, presentation and implementation of the Student Senate and Unallocated Reserves budgets.

8.2(c) The Chair of the Finance Committee shall be the Student Senate Treasurer.

Senator Perley unilaterally drafted and submitted a budget proposal to the Programs Finance Committee on behalf of the Student Senate without convening the Senate Finance Committee. Not only does this represent a potential abuse of power in his position as Senate Treasurer, but also neglect of a rule intended to provide more oversight to the actions of the Student Senate. Furthermore, this unilateral request includes a \$50/month raise in stipend for the Student Senate Treasurer.

Although it is rumored that Senator Perley is running for ASUO President, his will maintain a seat on Senate if he is not elected to another position, in which case he would directly benefit from a pay raise by potentially running again for Senate Treasurer.

Violation 8

More drastic, however, Senator Perley's violation of ASUO Constitution 4.6, stating that:

“Conflict of interest prohibited. No member holding an elected position on the Student Senate... may vote on the budget of any ASUO or EMU program in which they will be holding a paid position in which the fiscal budget is in effect”.

II. THREE (3) COUNTS OF NON-FULFILLMENT OF DUTIES AS AN ASUO ACADEMIC SENATOR

Violation 1

5.2(d) Academic Senator's office hours shall be posted in the departments, programs, schools, and colleges that he or she represents in addition to being posted in the ASUO Office.

The office hours of Senator Nathan Perley cannot be found anywhere in the Lundquist College of Business, the academic unit in which he represents as a Senator filling Senate Seat 13.

Violation 2

5.2(f) Student Senators shall log their office hours with the Student Senate Ombudsperson.

The hard copy office hour log maintained at the Student Senate desk indicates that Senator Perley has not completed office hours during Weeks 3, 4, and 5 of Fall Term. I request that this Court obtain official copies of this log to verify the number of hours completed by Senator Perley.

Violation 3

5.1.(l) All senators must attend orientation and finance training sessions.

Senator Perley failed to attend the annual finance retreat on held on October 3 and 4, 2008.

III. REMEDY REQUESTED

I hereby request that the Constitution Court hear this petition with haste. Any action taken by this Court should be consistent with previous rulings of this Court and with the rules of the ASUO Constitution and ASUO Student Senate.