The Board of Trustees  
The University of Utah  
201 Presidents Circle, Rm 305  
Salt Lake City, UT 84112  

RE: Committee on Student Affairs - Recommendation Memorandum  

To the Trustees of the University of Utah:  

On Thursday, February 2, 2017, nine members of the Committee on Student Affairs (the “Committee”) convened to make a recommendation regarding a petition to amend the ASUU Constitution. The nine members included Dr. Lori McDonald (Dean of Students), Ms. Tasha Myers (Director of Student Leadership and Involvement), Mr. Whit Hollis (Union Director), Dr. Sujee Jeyapalina (Adjunct Assistant Professor of Surgery), Dr. Lei Zhang (Assistant Professor of Radiology), Mr. Jack Bender (ASUU President), Mr. Hans Harris (ASUU Chief of Staff), Mr. Cameron Owen (Student at Large), Mr. Erik Perez (Student at Large), and Mr. Connor Morgan (ASUU Attorney General). Mr. Morgan was elected by the Committee to serve as its Chairman.  

The petition was submitted by the Article X: Fossil Fuel Divestment Campaign (the “Article X Campaign”). The petition sought to amend the Constitution by creating an “Article X,” which would both assert ASUU’s support for fossil fuel divestment by the University of Utah and prohibit ASUU from supporting “any initiatives and programs that undermine a commitment” to environmental sustainability. At the Committee meeting, Mr. Stephen Michael Christian represented the Article X Campaign.  

After due discussion and debate about the petition, the Committee recommends that the Board of Trustees fail the petition to amend the ASUU Constitution. Furthermore, the Committee recommends that the Article X Campaign submit a joint resolution to the ASUU Senate and Assembly, asking for the elected representatives of ASUU to recommend to the University administration that the University divest its fossil fuel holdings. Eight Committee members voted in favor of this recommendation; the Chairman of the Committee abstained in accordance with his role as Chairman.
The Committee bases its recommendation on two grounds. First, the Committee opposes amending the ASUU Constitution to include political and emotional statements. Like most Constitutions, the ASUU Constitution sets forth the fundamental principles and basic operational procedures of ASUU. In its present form, it does not contain any exhortational statements. While the Constitution contains no specific prohibition on aspirational amendments, the inclusion of an amendment such as that proposed by the Article X Campaign would be unique in the Constitution. Thus, it does not seem that this amendment is appropriate for inclusion in the ASUU Constitution.

Second, the Committee opposes the specific language contained in Section 2 of the proposed Article X. The Committee believes that the wording of Section 2 is so vague that it could be interpreted to preclude ASUU from offering programming events for students and/or from allocating any funding to any group that is arguably "environmentally unfriendly." Thus, the language contained in Section 2 could be utilized to undermine the fundamental services that ASUU provides. Additionally, the power to interpret this rule (and to therefore limit ASUU services) would be concentrated in the office of the Attorney General, providing the officeholder with an unprecedented degree of unilateral power.

It should be noted that this recommendation to fail the Article X Campaign’s petition should not necessarily be interpreted as a recommendation against fossil fuel divestment. Rather, the Committee’s recommendation is founded upon the Committee’s belief that amending the Constitution in the proposed manner would be inappropriate and would affect ASUU in an unacceptably adverse manner. The Committee therefore advises that the Article X Campaign continue its pursuit for fossil fuel divestment in a more appropriate manner, such as by filing a joint resolution in the ASUU legislature.

Sincerely,

Connor Morgan
Chairman of the Committee on Student Affairs & ASUU Attorney General