

ASUO Constitution Court

Petition For Review

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COMPLAINT: This complaint is filed against ASUO Senator Nate Gulley, Seat 14.

QUESTION: The question presented is whether or not Senator Gulley violated the ASUO Constitution, ASUO Senate Rules and Roberts Rules of Order in voting “aye” twice on a surplus special request made by United States Students Association (USSA) during the Senate meeting of 2/28/07.

VIOLATIONS: First, the ASUO Constitution takes measures to prevent conflict of interest in 4.6 of that document, which reads as follows. “Conflict of interest prohibited. No member holding an elected position on the Student Senate, (PFC), (ADFC), or the EMU board may vote on the budget of any ASUO or EMU program in which they will be holding a paid position during the year the fiscal budget is in effect. *This section shall be construed so as to prohibit conduct that creates the appearance of a conflict of interest, as well as an actual conflict of interest*” (Emphasis is mine). Gulley violated the constitution by voting “aye” on a special request which was passed by a single vote, and which pays for a conference which he will be attending as a member of USSA.

Second, Gulley violated Roberts Rules of Order. Chapter XIII (voting), Section 45 (voting procedure), line 15 (Abstaining from voting on a question of direct personal interest) reads as follows. “No member should vote on a question in which he has a *direct personal or pecuniary interest not common to other members of the organization.*” Although Roberts goes on to say that “no member can be compelled to refrain from voting in such circumstances,” the following header (Voting on questions affecting oneself) clarifies that “the rule on abstaining from voting on a question of direct personal interest does not mean that a member should not vote for himself for an office or other position to which members generally are eligible.” This clarification draws the line between a vote on an issue of personal interest (e.g. Funds for a trip that the Senator intends to attend) versus a vote on an issue of on which any Senator might have an interest (e.g. Holding a Senate banquet, or electing officers.) Gulley's actions were clearly on the “personal interest” side of that line.

Third, in violating Roberts Rules of Order, Gulley also violated Senate Rules. Section 2 (meetings), #3 states that “the Student Senate... shall follow 'Roberts Rules of Order' during all meetings.” As outlined above, Gulley is clearly in violation of this Senate Rule. Gulley further violated Senate rules of conduct as they were passed by Senate in SB12. Specifically, Gulley violated Section II (criteria for fulfillment of duty), 1 (b) 2 “Parliamentary procedure shall be reasonably adhered to when in use,” 5 “Senators shall not engage in conduct unbecoming of an elected representative, and 6 “Senators shall act with honesty and integrity.” Aggravating these violations are the following circumstances which demonstrate his prior knowledge of these rules, and his willful flaunting of them.

CIRCUMSTANCES: At the Student Senate meeting of 2/28/07, the Senate hear a special request for \$2,000 of surplus funds from the USSA, with which to send delegates to their annual conference in Washington DC. Senators Nate Gulley, Jen Lleras and Chii-San SunOwen are members of USSA, and are also scheduled to participate as delegates to the conference, facts which were openly discussed at the meeting. When the request came to a vote, Senators Lleras and SunOwen appropriately abstained

from voting, but Gulley voted “aye” regardless. The motion failed by a single vote, as ASUO Vice President Guzman abstained from casting the tie-breaking vote since she too is a member of USSA, and will be attending the conference. In the discussion that followed, I requested that Senators who were members of USSA and the conference delegation refrain from voting if a second vote were to take place, as it was a clear conflict of interest. Since Gulley was the only Senator who had done so in the first place, this remark was clearly aimed at him. Shortly thereafter, a second vote was taken, and again Senators Lleras and SunOwen abstained, but Senator Gulley once again voted “aye.” This time around, the motion passed by a single vote, meaning that Gulley’s “special interest” in the vote caused him to tip the scales against a request that would have otherwise failed for a second time. These actions show a clear precedent for abstention under these circumstances (as demonstrated by Guzman, Lleras and SunOwen), and an outright request for him to abstain because of the glaringly obvious conflict of interest. Senator Gulley clearly has no respect for the rules of Senate, or even cultivating the appearance of propriety. This does untold damage to the credibility of the ASUO as a whole.

REMEDY REQUESTED: I request that the Constitutional Court review this matter, determine whether or not Senator Gulley's actions were in violation of the ASUO Constitution, and Senate Rules, and to take such action as is constitutionally prescribed under such circumstances. Further, the Constitutional Court should void the special request in question, and order a revote.