Bill

Date: December 4, 2001
Committee: Legislators
Action: Second Reading Item
Date of Action:

ECB 02-12

Constitutional Clean Up

1. WHEREAS: The Constitution of the ASUSU is the document that details the rights,
2. privileges, and powers of the ASUSU and the ASUSU Executive Council, and
3. WHEREAS: The ASUSU and the ASUSU Executive Council have failed to adhere
4. to many of the provisions of the Constitution for many years, and
5. WHEREAS: The ASUSU and the ASUSU Executive Council will more likely refer
6. and adhere to the Constitution if the document is clear, concise, and relevant to the
7. procedures of the ASUSU and the ASUSU Executive Council, and
8. WHEREAS: The Constitution outlines the organization and procedures of the
9. ASUSU Executive Council, and
10. WHEREAS: The reorganization of the ASUSU Executive Council and the
11. redefinition of the roles of respective ASUSU Executive Council offices will improve
12. the effectiveness of the ASUSU Executive Council in accomplishing the mission of
13. the ASUSU Executive Council.
14. BE IT THEREFORE ENACTED: That the attached Constitution, with the detailed
15. revisions, shall be adopted as the Constitution of the ASUSU and presented to the
16. ASUSU as a referendum, and
17. BE IT THEREFORE FURTHER ENACTED: That the Executive Vice President of the
18. ASUSU be appointed to chair an ad hoc committee to review the General Laws of the
19. ASUSU that will present to the ASUSU Executive Council all General Laws that will
20. of necessity be altered or rescinded through the adoption of this Constitution.
21. Sponsored by:
22. Steve Palmer, ASUSU President
23. Andy Haws, Academic Vice President
24. Bethany Allen, HASS Senator
Preface

The Constitution of the Associated Students of Utah State University of Agriculture and Applied Science is hereby established to grant all rights, privileges and powers upon registration, to the students of Utah State University and to their representative body, the ASUSU Executive Council. This Constitution is established by the authority granted by the Utah State University Board of Trustees, as established by the Utah State Legislature and extended through the President of the University. All actions of the Associated Students of Utah State University, hereafter referred to as the ASUSU, shall be in accordance with the provision of this Constitution.

Article I. Membership and Rights

All students registered at the University, graduate and undergraduate, are members of the ASUSU and shall be granted all rights and privileges as established by this Constitution.

Article II. ASUSU Executive Council

Section 1. Purpose and Mission

The ASUSU Executive Council, hereafter referred to as the ASUSUEC, is hereby established to conduct all of its operations for the purpose of improving the quality of student life at Utah State University.

Section 2. Duties of the ASUSUEC Officers

ASUSUEC Officers shall conduct all operations according to the provisions set forth in this Constitution, the ASUSU General Laws (See: Article IX, Section 1-2), and to the charter of each respective ASUSUEC office.

Section 13. Purpose Representative Authority

The Executive Council of the ASUSU, hereafter referred to as the ASUSUEC, is hereby established to provide a formal representative body for the ASUSU through the ASUSU General Laws. The ASUSUEC shall: The representative authority of the ASUSU shall be vested in the ASUSUEC. The ASUSUEC shall represent ASUSU to the:

A. Be granted power to enact legislation and establish the policies and procedures of the ASUSU and the ASUSUEC.
B. Be granted power to act as the ASUSU representative to the Utah State University Administration, Faculty and Staff.
C. Be granted power, rights and privileges to act as the ASUSU representative to the Utah State University Board of Trustees, the Utah State Board of Regents and the Utah State Legislature.
Section 4. Legislative Power And Authority

The legislative power authority of the ASUSU shall be vested in the ASUSUEC Executive Council (Legislative authority may also be vested and in the members of the ASUSU by initiative and referendum. See Article VIII, Section 3-4). The Utah State University ASUSU Activities Staff shall be the advisors to the Executive Council but shall have no vote.

The Executive Council is authorized to:

A. Introduce, debate, and enact legislation through bills and resolutions (See Article VIII, Section 1-2).
B. Establish committees comprised of members of the ASUSU to assist ASUSUEC officers in fulfilling their charter responsibilities. (ASUSUEC officers may rescind any appointment of a member of the ASUSU to a committee over which that officer has administrative control) or other appendages to assist them in their legislative and administrative functions.
C. Appropriate and approve all ASUSU monies.
D. Conduct investigations into matters eeneering or student welfare.
E. Review any appointments made within ASUSU.
F. Submit to the ASUSU, by a two-thirds vote of the Executive Council ASUSUEC, any proposed amendments to this Constitution.
G. Establish elections rules and supervise all ASUSU elections.
H. Participate in and establish procedures for Staters Council.
I. Create or amend an ASUSUEC office charter by a two-thirds vote of the ASUSUEC.
J. Call for a referendum of the ASUSU (See Article VIII, Section 4).

Section 5. Procedures

The ASUSUEC shall:

A. ASUSUEC shall be chaired by the ASUSU President.
B. All legislation shall stand approved upon a favorable vote of the ASUSUEC.
C. ASUSUEC shall hold Convene weekly meetings from September through April, except during semester breaks. Any exceptions may be proposed by the president and passed by a majority vote of ASUSUEC. Meeting cancellations shall be proposed by the ASUSU President and passed by a majority vote of the ASUSUEC.
D. ASUSUEC shall conduct open meetings.
E. Executive Council sessions shall operate under Conduct meetings according to parliamentary procedure, and conform to the Rules of the Day.
G. President shall be given reconsideration rights.
Section 28. Membership

The ASUSUEC shall consist of the following offices:

A. President

The following vice presidents:

B. Executive
C. Academic
D. Activities
E. Arts and Lectures
F. Athletics
G. Extension
H. Graduate Studies
I. Organizations and Traditions
J. Public Relations
K. Student Advocate
L. Administrative Assistance (Ex-Officio)
M. Service

And one Senator for each of the following colleges or areas of needed student representation:

A. Agriculture
B. Business
C. Education
D. Engineering
E. Family Life
F. Humanities, Arts, and Social Sciences
G. Natural Resources
H. Science

Section 3. Duties Of Members

A. The ASUSUEC Members shall be accountable for the following duties and responsibilities and shall chair and sit on numerous committees as outlined in their respective charters.

Section 6. Charters

A. Each ASUSU officer shall have and abide by their charters.
B. Each charter shall be approved by the ASUSUEC.
C. Changes in charters must be approved by a two-thirds vote of ASUSUEC.
Article III. Elective Officers

Section 1. Elections

The ASUSUEC elections shall be held during the first and second weeks of March. The newly elected Executive Council ASUSUEC officers shall take office during the first ASUSUEC meeting of the Executive Council following the second Sunday of April.

Section 2. Terms Of Office

The term of office for all members of the Executive Council ASUSUEC is for a period of one year.

Section 3. Eligibility

No student shall:

A. No student shall be elected to an executive ASUSUEC office or appointed to the Student Court (See Article V, Section 3, Paragraph F) if on academic warning. Should an elected or appointed student be placed on academic warning while in office (The term 'office' refers to ASUSUEC members and Student Court justices), the student shall immediately be placed on office probation for the semester in question. Should the student fail to attain good standing at the completion of the semester, the student shall be removed from office.

B. No student shall be allowed to maintain office unless in good standing at the University and successfully carrying at least 12 credits per semester (graduate students excepted; summer semester excepted). The "successfully carrying" shall be interpreted as the student having registered for those credits by the end of the last day of the third week of the semester (registration meaning the completion of fee payment). Good standing shall be defined as being free from academic warning, probation, suspension, and social probation.

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Should an officer be placed on academic warning while in office he/she shall immediately be placed on office probation for the semester in question. Should he/she fail to attain good standing at the completion of the semester, the officer will be removed from office.

C. Students meeting the eligibility requirements who are candidates for the office of ASUSUEC College Senators, must be registered in the college they wish to represent as of the filing deadline for declaration of candidacy in the ASU general election to be eligible candidates for that office. Graduate students may be candidates as senators for the college in which their major degree is housed.
Section 4. Holding Office

A. No person shall simultaneously hold more than one elected office. A person may, however, run for a vacated office while still in office. If elected to two offices, that person must resign from one of the two within two days.

B. If a college senator changes colleges while in office, that senator must resign.

Section 5. Vacancies Of Office

Any vacancies in an ASUSUEC office shall be filled as determined by the ASUSUEC in the following manner:

A. The ASUSU President shall appoint a member of the ASUSU to fill the vacancy. (Eligibility requirements outlined in Section 3 must be met)

B. Appointments shall be confirmed by a two-thirds vote of the ASUSUEC

Section 6. Recall Of Officers

All elected officers are subject to removal from office by one of the following manners:

A. If a petition is filed with the Student Court charging one or more officers with misconduct or incompetence in office and containing 15 percent or more of the number of the officer's constituents registered on the day the petition is submitted, a recall election shall be held. (For Student Court and recall election procedures, see Article V, Section 2)

B. If two-thirds of the Executive Council charges an elected ASUSUEC officer with misconduct or incompetence in office, the Student Court shall hear the case. If the Court confirms the charge of misconduct or incompetence in office, a recall election shall be held.

C. In either case, the Student Court shall set a date for the recall election which shall be held within two weeks of the decision or petition submission.

Section 7. ASUSU Election Bylaws

A. The ASUSU election bylaws shall be ancillary to this Constitution

B. All amendments to the ASUSU election bylaws shall be proposed in the form of a bill

C. All amendments to the ASUSU election bylaws shall be approved by a majority vote of the ASUSUEC

Article IV. Appointive Positions

Section 1. Definition And Selection

Appointive positions are those appointed by members of the ASUSUEC as stipulated by their respective charters. All statutory appointees must be approved by majority vote of the ASUSUEC.

Section 2. Term Of Position
The term of the position, with the exception of the Student Court, is for a period of no more than one year and shall expire with the first official meeting of the ASUSUEC following the swearing-in ceremony.

**Section 3. Eligibility**

Students appointed shall:

A. Be successfully carrying at least 13 credits per semester during the entire term of their appointment (graduate students excepted; summer semester excepted).
B. Have registered (with tuition and fees paid) for their classes by the end of the last day of the third week of the semester.
C. Be in good standing, defined as being free from academic warning, probation, suspension, and social probation.
D. Be placed on office probation if placed on academic warning during their term, and allowed one semester in which to return to good standing after which time they will be removed from office if not back in good standing.

**Section 4. Vacancies Of Appointive Positions**

Any vacancies shall be filled as determined by the respective ASUSUEC Officer and approved by majority vote of the ASUSUEC.

**Section 5. Removal Of Appointive Positions**

Persons holding appointive positions shall be removed upon fulfillment of all the following conditions:

A. Submission of written charges by any member of ASUSU.
B. A two-thirds vote of the ASUSUEC.
C. The accused received the charges against his/her.
D. A trial before the Student Court with full opportunity to present a case and to have someone act in behalf of and plead for the accused person.
E. A conviction be handed down by the Student Court.

**Article IV. ASUSU Student Court**

**Section 3. Membership**

A. The ASUSU Student Court shall consist of six justices and a chief justice seven justices.
B. The seven members of the student court justices shall be appointed by the ASUSU President, and approved confirmed by the ASUSUEC by a majority vote of the ASUSUEC.
C. One member of the Student Court shall serve as Chief Justice.
D. The Student Court Chief Justice shall be appointed by the ASUSU President and confirmed by the ASUSUEC by a majority vote.
Section 12. Jurisdiction

The Associated Students of Utah State University ASUSU Student Court is hereby established a Student Court to mediate in all controversies and interpretations of the ASUSUEC and this Constitution.

A. Interpret this Constitution
B. Interpret the ASU General Laws and the constitutionality of those laws
C. Hear and rule on charges against an ASUSUEC candidate of ASUSU election bylaws violation (See Article IV, Section 7)
D. Hear and rule on charges of ASUSUEC officer misconduct and incompetence (See Article IV, Section 6)

Section 13. Jurisdiction And Procedures

Jurisdiction of the ASUSU Student Court shall hear cases in the following manner: extend to all cases and controversies arising under the ASUSU Constitution and the ASUSU General Laws, and it shall rule hear ASUSU election disputes.

A. Members of the ASUSU shall submit to the Student Court Chief Justice a written statement describing the question, complaint, charge, or dispute and all relevant case details.
B. The Chief Justice shall convene the Student Court within one week of receiving a statement.
C. The Student Court may call relevant parties to testify before the Court throughout the Court’s deliberations. In cases regarding the recall of officers and the violation of ASU election bylaws by an ASUSUEC candidate, the Student Court shall extend to the accused student an opportunity to present a defense.
D. The Student Court shall review the statement and determine if the scope of the case is within the Court’s jurisdiction (See Article V, Section 1). If the Court rules that the case is beyond the Court’s jurisdiction, a justice that voted with the majority opinion shall submit to the author(s) of the statement a written explanation of the Court’s decision.
E. All decisions of the Court shall be made by the majority vote of the justices.
F. A justice that voted with the majority opinion shall submit to the author(s) of the statement a written explanation of the Court’s decision.
G. In cases of the ASUSUEC accusing an ASUSUEC officer of misconduct or incompetence in office, the Court’s written explanation shall be sent to the ASUSU President.
Article VI. Media Board

Section 1. Purpose

The Media Board shall oversee the affairs of The Utah Statesman. The board shall oversee the affairs of the student-produced media that utilize student fees. The Board shall have responsibility to establish policies, appoint and remove editors and managers, and hear complaints related to student media.

Section 2. Membership

The Media Board shall consist of five students appointed by the Vice President for Student Services for one academic year. The board will select a chairperson from among its student members. No student can simultaneously serve as a member of the Media Board and as staff of The Utah Statesman or any other regular student media. Four faculty/staff members shall be appointed by the president to the board, one being the adviser to student publications.

Article VII. Student-Alumni President

A committee composed of members as outlined in the General Laws shall appoint a Student Alumni President.

The Student-Alumni President shall:

A. Assume duties and responsibilities as assigned by the ASUSUEC and Alumni Association.
B. Not serve simultaneously as a member of the ASUSUEC.

Article VIII. Graduate Student Senate

The President of the Graduate Student Senate shall be determined as stipulated by the Graduate Student Senate Charter. The President will chair meetings of the Graduate Student Senate and the Graduate Studies Senator shall be the official liaison between the Graduate Student Senate and the ASUSU Executive Council ASUSUEC. The organization and procedures of the Graduate Student Senate shall be stipulated in a charter to be voted upon by the Graduate Student Senate and presented to the ASUSU Executive Council ASUSUEC. Sections of the charter regarding the Graduate Student Senate Vice President and other sections pertaining to the election process and responsibilities of the Graduate Student Senator, and to ASUSU allotted
Article VII. Finance

Section 1. Custodian Of Funds

The University Vice President for Administrative Affairs Services shall be the custodian of the ASUSU funds and shall act as the financial agent of the ASUSU. It shall be his/her specific duty to receive, bank and account for all of the ASUSU funds.

Section 2. Disbursements

All requisitions shall bear the signature of the Director of Student Activities, or his/her designee. All requisitions thus signed shall be submitted to the University Vice President for Administrative Affairs Services in compliance with established procedures.

All money requests above approved budgets must receive additional approval by three-fourths of the ASUSUEC.

Section 3. Financial Reports

Financial reports from any organization spending ASUSU funds shall be made available to any member of the ASUSU.

Section 4. ASUSU Budget

A. The ASUSUEC is the steward of the ASUSU Budget.
B. Approval of the ASUSU Budget shall be considered in the form of a bill and passed by a two-thirds vote of the ASUSUEC.
C. Requests for additional funding shall be considered in the form of a bill and approved by a two-thirds vote of the ASUSUEC.

Article XVII. Resolutions, Bills, Initiative And Referenda

Section 1. Resolutions
Resolutions shall:
A. Be sponsored by the ASUSUEC to request an action of some agency over which the ASUSU has no administrative control.
B. Be published and made available to the ASUSU.
C. Be forwarded to appropriate university authorities through Stater's Council.

Section 2. Bills

Bills shall:
A. Be sponsored by the ASUSU Executive Council ASUSUEC to request any action over which the ASUSU has administrative control.
B. Be published and made available to the ASUSU.
C. If passed by the ASUSUEC, be compiled in a code designated "The General Laws of the Associated Students," unless they are of a temporary expenditure nature.
D. Once passed, go into affect as designated by the bill.

Section 3. Initiatives

Legislative action may shall be proposed by members of the ASUSU members in the following manner:
A. An petition initiative signed by 15 percent of the present ASUSU proposing a bill or resolution set forth in full in said petition initiative shall be presented to the ASUSU President.
B. The proposed bill or resolution shall then be presented to the ASUSU for approval.
C. The presentation shall occur at the next annual election or a special election called by the ASUSU President.
D. The legislation shall pass upon majority approval of the ASUSU.

Section 4. Referenda

The process of rescinding legislation by referendum shall be the same as that described in Section III of this Article. Referenda shall be called in the following manner:
A. The ASUSUEC shall defer action on a bill or resolution to the ASUSU by a two-thirds vote of the ASUSUEC.
B. The proposed bill or resolution shall then be presented to the ASUSU for approval.
C. The presentation shall occur at the next annual election or a special election called by the ASUSU President.
D. The legislation shall pass upon majority approval of the ASUSU.

Article XVIII. Constitutional Amendments And Revisions

Section 1. Manner Of Proposing Amendments
Amendments to this Constitution shall be proposed by:

A. A two-thirds majority of the total membership of the ASUSUEC.
B. An initiative petition signed by 15 percent of ASUSU members, computed calculated on the basis of the number of registered students the day the petition initiative is submitted. (For initiative filing procedures, see Article VIII, Section 3)

Section 2. Manner Of Filing Petitions

Petitions on initiative shall:

A. Be filed with the ASUSU Executive Vice President not later than four weeks prior to elections.
B. Include the entire text of the amendment proposed.

Section 3. Ratification of Amendments

A Constitutional amendment shall take effect after it is approved on a majority of the ballots cast at a regular or special election.

Article IX. Fee Structure

The Utah State University Fee Board shall follow the USU student fee policy as approved by the University President and Board of Trustees.

Article XIII. General Laws

Section 1. Purpose

The ASUSU General Laws shall serve as the body of statutory law of the ASUSU and the ASUSUEC.

Section 2. Function

The ASUSU General Laws shall be established and rescinded by the normal legislative process. All members of the ASUSUEC shall be subject to the General Laws. Any person(s) in violation of the law(s) shall be subject to formal recourse.