

ASBSU CONSTITUTION

PREAMBLE

We, the Students of Boise State University, in order to provide for the organized conduct of student affairs, promote the educational, social, and cultural activities of the Associated Students of Boise State University, finance student activities, facilitate student participation, and act as the official voice of the Associated Student Body, do hereby ordain and establish this Constitution of, by and for the Associated Students of Boise State University.

ARTICLE I

Section 1. We, the Associated Students, shall be known as the Associated Students of Boise State University, hereafter known and referred to as ASBSU.

Section 2. All fee paying students of the University shall be members of ASBSU with all the rights, privileges, and responsibilities in any university or related activity to which the authority of this Constitution extends.

Section 3. All executive officers, student justices, and college senators of the ASBSU, elected and appointed, must be full-fee paying students. All at-large senators must be fee paying students and carry a minimum of three credit hours. All personnel of ASBSU, elected and appointed must maintain a cumulative grade point average of 2.25 on a 4.0 grading scale.

ARTICLE II

Section 1. All legislative powers herein granted shall be vested in a student Senate.

Section 2. The membership of the ASBSU Senate shall consist of one senator from each of the colleges of the University. To be eligible to represent a college, or to continue to represent a college it is required that such senator be enrolled in the college represented. The membership shall also include a number of at-large senators equal to the number of colleges at Boise State University.

Section 3. The Vice-President of the ASBSU shall be the President of the Senate, but shall have no vote, unless the Senate is equally divided or to make or break a two-thirds majority. In the absence of the President of the Senate, the Senate President Pro-Tempore shall act as President of the Senate.

Section 4.

(1) The Senate shall approve by majority vote any presidential appointee.

(2) The Senate shall initiate and approve all by-laws, senate regulations, senate codes, senate internal and operating rules and all other legislation as may be necessary for the general welfare of the ASBSU.

(3) The Senate shall have the sole power of impeachment.

(4) The Senate shall have legislative authority over all ASBSU funds through the approval of a budget and the controlling of all senate accounts and the reserve funds of the ASBSU.

(5) The Senate shall establish and determine the functions of all ASBSU committees and boards, with the exception of any executive committee designated by the President of the ASBSU.

(6) The Senate shall set the time, date and place of all senate meetings and may call special sessions of the Senate with a two-thirds majority vote. A majority of the current senate membership shall be necessary for a quorum to conduct business.

(7) A law, as stated in this Constitution, is defined as a rule of conduct, or action prescribed by the ASBSU which has a binding force, or is subject to sanctions.

(8) Every bill which has passed the Senate shall, before it becomes a law, be submitted to the President of the ASBSU. If approved, the President shall sign it, but if not, the President shall return it with objections to the Senate within seven school days of its passage. The Senate may overrule the objection of the President by overriding the President's veto with a two-thirds majority vote, upon which it shall become law. If any bill shall not be returned by the President within seven school days after it shall have been presented to the President, the same shall be a

law, in like manner as if it had been signed by the President; unless the Senate by their adjournment prevent its return, in which case it shall not be a law.

(9) Every bill or resolution, which has a binding and enforced effect, shall be submitted to the President for approval or objection, with the exception of the following: (a) procedural rules of the Senate, (b) Senate Opinions, or (c) other regulations passed for the internal function of the Senate.

(10) All records of proceedings of the Senate shall be kept and made available to the ASBSU and shall be publicly posted.

(11) Senators shall be subject to removal from office by recall or impeachment.

ARTICLE III

Section 1. The Executive Power shall be vested in a President of the ASBSU. The ASBSU President shall hold the term for a period of one year, and together with the Vice-President, chosen for the same term, be elected by a plurality of votes cast by the ASBSU enrolled at the time of election.

Section 2. In case of the removal of the President from office, death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President. Should vacancies occur in both the offices of President and Vice-President, the President Pro-Tempore of the ASBSU Senate shall then act as President.

Section 3.

(1) The President shall administer the affairs of the Associated Students and shall be charged with executing all laws and rules adopted by the ASBSU.

(2) The President shall be the chief diplomat and shall develop and maintain relations with the University administration, the local, state, and federal governments, other student associations and all other entities which shall affect the general welfare of the ASBSU.

(3) The President shall submit a budget for the ASBSU to the Senate for approval each year and shall administer the budget once approved by the Senate.

(4) The President may enter into agreement with other entities for the general welfare of the ASBSU. All legally-binding agreements to which the President shall enter into shall be approved by a majority vote of the Senate, with the exception of any financial agreement within the auspices of the executive powers outlined herein.

(5) The President shall make any order necessary for the legal operation of the executive branch, which shall be made available to the ASBSU, and shall direct any person or entity responsible to the executive branch to perform any legal task, within its scope, that is necessary for the general welfare of the ASBSU.

(6) The President shall establish such executive committees as necessary to serve the general welfare of the ASBSU.

(7) The President shall have the sole power to make all appointments to ASBSU offices and committees with the exception of any office whose membership is determined by election.

(8) The President shall have the sole power to fill any vacancy in elected or appointed office for the remainder of the term of the said vacated office.

(9) During times in which the Senate is in recess, the President may fill any vacancy, by appointment, without the approval of the Senate until such time when the Senate has reconvened; said appointment shall then be subject to the approval of the Senate.

(10) The President may dismiss, with stated cause, any ASBSU official with the exception of elected officials, members of the Judiciary or officials whose office, in normal occasions, is filled by election.

(11) The President shall be empowered to approve or veto all senate legislation, as established within this Constitution, and shall have the power to veto, in part or whole, any legislation of a financial nature.

(12) The President shall call special sessions of the Senate when necessary to protect and maintain the general welfare of the ASBSU.

(13) The President shall be a non-voting ex-officio member of all ASBSU committees.

(14) The President shall preside over the executive cabinet and staff and may require the opinion, in writing, of any ASBSU cabinet or executive staff member upon any subject relating to the duties of their respective offices.

(15) The President shall perform any such other duties as are necessary to promote and defend the general welfare of the ASBSU.

(16) The President shall be subject to removal from office by recall or impeachment.

Section 4.

(1) The Vice-President of the ASBSU shall be a member of the executive branch and shall be President of the Senate.

(2) The Vice-President shall serve as the chief administrative officer of the Senate.

(3) The Vice-President shall serve as the Chair of any academic grievance committee.

(4) The Vice President shall serve as the Chair of any health advisory board.

(5) The Vice-President shall be subject to removal from office by recall or impeachment.

Section 5.

(1) The ASBSU Treasurer shall be a member of the executive branch and shall keep records of all ASBSU finances.

(2) The Treasurer shall have qualifications which shall be determined by appropriate legislation. During the fall semester of each year, a committee, the composition of which shall be determined by appropriate legislation, shall review candidates for the office of Treasurer and shall make such recommendations to the President as may be necessary to assist the President in the appointment of a Treasurer which shall be made prior to the end of the fall semester.

(3) The Treasurer shall serve as the Chair of any ASBSU appropriation advisory committee.

(4) The Treasurer shall be subject to removal from office by impeachment.

ARTICLE IV

Section 1.

(1) The sole judicial power of the ASBSU shall be vested in an ASBSU Judiciary and such other lower courts deemed necessary by the same.

(2) The power of the Judiciary is ordained and established by this Constitution and by the President of Boise State University.

(3) Any student charged with any University violations may request to have a hearing by an appropriate board.

(4) All appeals from decisions resulting in sanctions issued by the Judiciary may be taken to an appropriate university judicial appeals board.

Section 2.

(1) The Judiciary shall consist of five students who shall be appointed by the ASBSU President and two members of the Boise State University faculty who shall be appointed by the President of the University.

(2) Four Justices shall constitute a quorum to conduct business for the Judiciary, one of whom shall be a Faculty Justice.

(3) The Chair of the Judiciary shall be the Chief Justice, who will be elected by and from the total membership of the Judiciary, and must be a student member of the same. The Chief Justice shall be elected at the last regular meeting in April each year or at times when a vacancy of the Chief Justice occurs.

(4) Three student members shall be appointed in December, and two student members shall be appointed in May for a term of one year. In occasions when an incumbent student Justice seeks reappointment, the candidate shall be interviewed by the current membership of the Judiciary inclusive of the judicial advisor, which shall make a recommendation for or against the reappointment of said member to the President and Senate. Reappointment shall automatically occur unless the President and two-thirds of the total current membership of the Senate act to deny reappointment. In the event that reappointment is denied, the position will be viewed as an open vacancy, and the President shall make an appointment to fill any open vacancy, subject to the approval of the Senate.

Section 3.

- (1) The Judiciary shall have the sole power of judicial review of all ASBSU actions, and in all matters of constitutional interpretation.
- (2) The Judiciary shall have original jurisdiction over all cases involving the alleged violations of ASBSU regulations, rules and laws with the exception of cases in which the Judiciary or Vice-President for Student Affairs establishes a lower court or courts and delegates the authority for any such case to the same. Any such lower court shall act in accordance with established procedures of the Judiciary, the ASBSU Constitution, rules, regulations and policies.
- (3) The Judiciary shall accept or reject cases brought before it by petition or appeal and shall only rule on issues resulting from petitions or appeals brought forth with the exceptions outlined in this Constitution.
- (4) The Judiciary shall be an appellate body for all cases originating from lower courts.
- (5) The Judiciary may enjoin any ASBSU government official from taking action contrary to the decisions of the Judiciary.
- (6) The Judiciary shall have the sole power to review and recognize all constitutions of any entity seeking recognition from the ASBSU.
- (7) The Judiciary may impose sanctions upon any individual found guilty of violations of the Code of Conduct, ASBSU Constitution, ASBSU Senate legislation, rules or regulations or other misconduct on campus or off campus while representing Boise State University. Sanctions may include expulsion, suspension, conduct probation, loss of privileges, censure, admonition, restitution and any other sanction the Judiciary feels appropriate as approved by the Vice-President for Student Affairs.
- (8) Judicial opinions, decisions and records of proceedings shall be kept and made available to the ASBSU in accordance with University policy.
- (9) Student Justices of the Judiciary are subject to removal from office by impeachment.

ARTICLE V

Section 1. The ASBSU Senate shall regulate and specify the manner and conduct of all elections through appropriate legislation, within the constraints of the ASBSU Constitution.

Section 2. Elections for senators-at-large shall be held on the second Wednesday and Thursday in the month of November. Elections for the President, Vice-President and Senators representing the colleges of the University shall be held on the second Wednesday and Thursday in April. The election of all other elected officials shall be determined by the Senate. The Judiciary may, if necessary, set different dates than what is provided for in this Constitution for any emergency purpose.

Section 3. All ASBSU elected officers shall be installed no later than ten school days following the last day of polling. This section may be temporarily suspended by the Judiciary should it be necessary for the general welfare of the ASBSU.

Section 4. No person shall be disqualified from office nor running for office for any frivolous or trivial reason.

Section 5. Any initiative shall be considered law upon its acceptance by a majority of the membership of the ASBSU in a general or special election. Each initiative shall be placed before the membership of the ASBSU in an election once a petition is filed with the validated signatures and student identification numbers of five (5) percent of the membership of the ASBSU. No initiative shall be considered law if it is in contradiction with the Constitution of the ASBSU.

Section 6. Any law shall be considered null and void if a referendum for the said law is rejected by a majority of the members of the ASBSU in a general or special election. Each referendum shall be placed before the membership of the ASBSU in an election once a petition is filed with the validated signatures and student identification numbers of five (5) percent of the total membership of the ASBSU.

ARTICLE VI

Section 1. All ASBSU elected officers shall be subject to removal from office by recall.

Section 2. A petition containing the validated signatures and student identification numbers of five times the total number of signatures required for placement on the ballot shall be necessary for a recall election against the said ASBSU officer.

Section 3. Subsequent to the validation of a petition in proper form, a recall election shall be held against the officer listed in the said petition. For an officer to be recalled from office, two-thirds of the votes cast must be in favor of the recall, provided that the number voting in the recall election is at least equal to the number of constituents who voted for said officer in the election in which said officer achieved office or normally would have achieved office. A recall election shall occur within thirty (30) school days of the validation of the petition calling for the recall.

Section 4. No officer shall be recalled, nor a petition be circulated calling for the recall of an officer, who has not held the office from which recall is being sought for more than thirty days. No person shall be recalled from office who has less than thirty (30) days left before the natural expiration of the term.

Section 5. The Senate shall legislate the form and manner of all recall elections within the guidelines of this Constitution.

ARTICLE VII

Section 1. All elected officers of the ASBSU, the Treasurer and the student Justices shall be subject to removal from office by impeachment for mis-, mal- or nonfeasance of duty or for high crimes or misdemeanors against the ASBSU.

Section 2. The ASBSU Senate shall have the sole power of impeachment. The accused officer shall have the right to a fair and impartial hearing by the Senate in which the Chief Justice shall preside, unless the Chief Justice is the accused, in which case the President of the Senate shall preside.

Section 3. No officer shall be tried for impeachment until the accused has been notified, in writing, of the charges seven school days prior to the hearing. A hearing shall take place no later than fifteen (15) school days after the accused has received written notification. No trial for the impeachment of the accused officer shall take place without the indictment of two-thirds of the total membership of the Senate.

Section 4. An officer shall be removed from office if, after a hearing, four-fifths of the total membership of the Senate vote in favor of removal.

Section 5. Judgments in cases of impeachment shall not extend further than the removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the ASBSU. However, the party convicted shall be liable and subject to indictment, trial, judgment and punishment according to law.

ARTICLE VIII

Section 1. On the request of two of the three branches of the ASBSU, a convention shall be called for proposing amendments and/or revisions to this Constitution. Delegates shall be selected by the branches of ASBSU in which they reside. The Senate Pro Tempore shall appoint two Senators, the Chief Justice shall appoint two student Justices and the ASBSU President shall appoint two executive officers. Two students-at-large shall be appointed by the ASBSU President with the approval of the Senate. When amendments and/or revisions are proposed through a constitutional convention, approval by two-thirds of the total number of the delegates at the convention shall be necessary for proposing amendments and/or revisions to this Constitution. Proposed amendments and/or revisions shall be submitted to the membership of the ASBSU in a general or special election and shall be approved by a majority of the membership of the ASBSU casting ballots upon which the proposed amendments and/or revisions shall be valid to all intents and purposes as part of this Constitution.

Section 2. All amendments to this Constitution shall be added at the end of the text of this Constitution and shall be labeled as Amendment I and continued numbered so forth.

Section 3. All revisions shall be added in the appropriate text.

ARTICLE IX

Section 1. Upon ratification of this Constitution by a majority of valid ballots cast by the membership of the ASBSU in an election called by the Senate, this Constitution shall be valid in all intents and purposes.

Section 2. Any and all existing constitutions, by-laws, rules and regulations within the ASBSU that are inconsistent with this Constitution shall hereby be considered null and void.

Section 3. The current officers of the ASBSU shall continue in office until the first installation of officers under this Constitution. All legislative, executive and judicial officers of the ASBSU shall be bound by oath of affirmation to support, protect and defend this Constitution.

Originally passed by the Student Senate as Senate Resolution #7 on January 21, 1987.

Passed by the Students of Boise State University by Special Election on February 11 and 12, 1987.

Revised by the Constitutional Convention delegates on February 24, 1995 by a vote of 8-0-0.

Revisions were approved by the Students of Boise State University during the general election on April 12 and 13, 1995.