

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 student personnel of ASBSU, elected, appointed, and hired 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 and Chair of the ASBSU Senate, but shall have no vote, unless the ASBSU Senate is equally divided or to make or break a two-thirds majority.

Section 4

The ASBSU Senate Pro-Tempore of the ASBSU Senate shall Chair caucus meetings, be responsible for the internal operations of the ASBSU Senate and be elected by a plurality of quorum of the ASBSU Senate during an ASBSU Senate meeting. In the absence of the President of the Senate, the ASBSU Senate Pro-Tempore shall act as President of the ASBSU Senate. In the absence of the ASBSU Senate Pro-Tempore, the Assistant ASBSU Senate Pro-Tempore shall act as Senate Pro-Tempore.

Section 5

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

(2) Excluding the ASBSU budget, the ASBSU Senate shall initiate 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 ASBSU Senate shall approve the ASBSU budget, 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.

- (4) The ASBSU Senate shall have the sole power of impeachment.
- (5) The ASBSU 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.
- (6) The ASBSU 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.
- (7) The ASBSU Senate shall set the time, date and place of all senate meetings and may call special sessions of the ASBSU Senate with a two-thirds majority vote. A majority of the current senate membership shall be necessary for a quorum to conduct business.
- (8) 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.
- (9) Every bill which has passed the ASBSU Senate shall, before it becomes a law, be submitted to the President of the ASBSU. If approved, the ASBSU President shall sign it, but if not, the ASBSU President shall present it with objections to the ASBSU Senate within ten school days of its passage. The ASBSU Senate may overrule the objection of the ASBSU President by overriding the ASBSU President's veto with a two-thirds majority vote, upon which it shall become law. The ASBSU Senate shall have no more than two opportunities to override the veto within ten school days of the veto's return. If any bill shall not be returned by the ASBSU President within ten school days after it has been presented to the ASBSU President, the same shall be a law, in like manner as if it had been signed by the ASBSU President; unless the ASBSU Senate by their adjournment prevent its return, in which case it shall not be a law.
- (10) Every bill or resolution, which has a binding and enforceable effect, shall be submitted to the ASBSU President for approval or objection, with the exception of the following: (a) procedural rules of the ASBSU Senate, (b) ASBSU Senate Opinions, or (c) other regulations passed for the internal function of the ASBSU Senate.
- (11) All records of proceedings of the ASBSU Senate shall be kept and made available to the ASBSU and shall be publicly posted.
- (12) 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 ASBSU 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 ASBSU President from office, death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the ASBSU Vice-President. Should vacancies occur in both the offices of ASBSU President and ASBSU Vice-President, the Pro-Tempore of the ASBSU Senate shall then act as ASBSU President.

Section 3.

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

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

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

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

(8) The ASBSU President shall have the sole power and discretion 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 ASBSU Senate is in recess, the ASBSU President may fill any vacancy, by appointment, without the approval of the ASBSU Senate until such time when the ASBSU Senate has reconvened; said appointment shall then be subject to the approval of the ASBSU Senate.

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

(11) The ASBSU President shall be empowered to approve or veto all ASBSU 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 ASBSU President shall call special sessions of the ASBSU Senate when necessary to protect and maintain the general welfare of the ASBSU.

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

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

(16) The ASBSU 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 ASBSU Senate.

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

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

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

(5) The ASBSU Vice President shall serve as the Chair of all ASBSU Senate meetings.

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

Section 5.

(1) The Chair of any ASBSU appropriation advisory committee shall be designated by the President of ASBSU, from the ASBSU Executive Staff, excluding the ASBSU President.

Section 6

The ASBSU Election Board shall be established as a non judicial executive body, and shall oversee all general and special elections in accordance with the ASBSU Code.

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 ASBSU 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 ASBSU Judiciary may be taken to an appropriate university judicial appeals board.

Section 2.

(1) The ASBSU 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 ASBSU 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 ASBSU 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) Five student justices shall be appointed 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 ASBSU Judiciary. If approved the reappointment shall automatically occur. If reappointment is denied the ASBSU President shall make an appointment to fill any open vacancy, subject to the approval of the ASBSU Senate.

Section 3.

(1) The ASBSU Judiciary shall have the sole power of judicial review of all ASBSU actions, and in all matters of constitutional interpretation.

(2) The ASBSU 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 ASBSU 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 ASBSU Judiciary, the ASBSU Constitution, rules, regulations and policies.

(3) The ASBSU 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 ASBSU Judiciary shall be an appellate body for all cases originating from lower courts.

(5) The ASBSU Judiciary may enjoin any ASBSU government official from taking action contrary to the decisions of the ASBSU Judiciary.

(6) The ASBSU Judiciary shall have the sole power to review and recognize all constitutions of any entity seeking recognition from the ASBSU.

(7) The ASBSU Judiciary shall have original jurisdiction over complaints involving sexual or gender harassment.

(8) The ASBSU 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 ASBSU Judiciary feels appropriate as approved by the Vice-President for Student Affairs.

(9) Judicial opinions, decisions and records of proceedings shall be kept and made available to the ASBSU in accordance with University policy.

(10) Student Justices of the ASBSU 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 ASBSU President, ASBSU Vice-President and ASBSU 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 ASBSU Senate. The ASBSU 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 ballots cast by 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 ASBSU 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, 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 ASBSU 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 ASBSU Senate.

Section 4. An officer shall be removed from office if, after a hearing, four-fifths of the total membership of the ASBSU 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 ASBSU 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 ASBSU 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 ASBSU 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.

Amendment 1

The ASBSU will not discriminate against any individual on the basis of age, race, color, religion, sex, national origin, ancestry, disability, veteran status, political affiliation, or sexual orientation in matters of employment, services, requests for funds, educational programs, or other activities.

Amendment 2

The ASBSU will maintain a minimum of 10% of the previous year's operating budget in a contingency account. The contingency account can only fall below 10% of the previous year's operating budget with a two thirds vote of the entire ASBSU Senate and a signature by the ASBSU President.

Amendment 3

The ASBSU will maintain and promote a campus recycling program. The program will function under the ASBSU Executive Staff personnel.

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.

Revised by the Constitutional Convention delegates on April 22, 1997.

Revisions were approved by the Students of Boise State University during the general election on November 12 and 13, 1997.