

CONSTITUTION

ASSOCIATED STUDENTS UNIVERSITY OF IDAHO

(As ratified by the ASUI Membership on May 1, 2002 and amended on October 2, 2006)

PREAMBLE. We, the members of the Associated Students University of Idaho, in order to initiate and coordinate student activities, promote and represent student interests, needs, and welfare within the university community, provide for the expression of student opinion and interests to the community at large on issues affecting student life, develop in students an understanding and appreciation of their personal, social, and vocational relationship to society, and provide a physical and social environment in which to achieve the above objectives, do affirm and establish this constitution of the Associated Students University of Idaho.

ARTICLE I – NAME AND MEMBERSHIP.

Section 1. Name. The association of students under this constitution shall be known as the Associated Students University of Idaho, hereafter referred to as the ASUI.

Section 2. Membership. All enrolled undergraduate students of the University of Idaho who have paid the ASUI fee in the current semester shall be members of the ASUI.

ARTICLE II – LEGISLATIVE.

Section 1. ASUI Senate. The legislative body of the ASUI shall be the ASUI Senate.

Section 2. Membership, Authority, and Duties.

Clause A. Membership. The ASUI Senate shall consist of 15 members to be elected ~~by and~~ from the district(s) composing of membership of the ASUI.

Clause B. Authority and Duties. The Senate of the ASUI shall:

- (1) Be empowered to enact policies governing the ASUI;
- (2) Be empowered to establish the official positions of the ASUI on all matters of student concern;
- (3) Enact and change the ASUI Rules and Regulations by a two-thirds (2/3) vote of the ASUI Senators present;
- (4) Have legislative authority over all ASUI funds and property subject to the provisions of this constitution and the President of the University; further, the ASUI Senate shall establish the budget for the ASUI and approve the budgets for the ASUI operations fee and such other fees as may be provided by action of the President of the University;
- (5) Authorize in full or in part any expense to be incurred against ASUI funds by student organizations not represented in an official department of the ASUI;
- (6) Grant all ASUI awards;
- (7) Establish and regulate all salaried positions of the ASUI;
- (8) Specify provisions for the election of an ASUI Senate President Pro-Tempore from the ASUI Senate in the ASUI Rules and Regulations and ASUI Senate Bylaws;

~~(a) The ASUI Senate President Pro Tempore shall assume the duties of the ASUI Vice President during the ASUI Vice President's absence and shall succeed to the vice presidency upon the death, resignation, disability, ineligibility or removal of the ASUI Vice President;~~

(9) Have the power to override the ASUI President's veto by a two-thirds (2/3) vote of the ASUI Senators present; and

(10) Pass no ex-post-facto legislation.

Clause C. Vacancies.

(1) Vacancies shall exist in the ASUI Senate in the event of death, resignation, disability removal or ineligibility of an ASUI Senator. For a resignation to occur, the resigning ASUI Senator must submit a signed letter for that purpose to the ASUI Vice President. At the next regularly scheduled ASUI Senate meeting, the ASUI Vice President shall declare that a vacancy exists.

(2) Following the declaration of a vacancy(s), the ASUI President shall have two (2) weeks to collect applications for the vacant position(s). The ASUI President shall then have one (1) week to interview all applicants, and forward nominees to the ASUI Senate. The ASUI Senate will then appoint new ASUI Senator(s) at the next regularly scheduled ASUI Senate meeting. The time requirement shall be altered accordingly in respect to academic breaks and summer session.

(3) Vacancies occurring in the ASUI Senate shall be filled by the ASUI President submitting three (3) nominees with one (1) nominee deemed the presidential nominee. The ASUI Senate shall interview the nominees in a pre-session called for that purpose and shall appoint their choice to fill the vacancy in bill form. In the event that more than one (1) vacancy exists the ASUI President shall submit two (2) additional nominees per vacancy, with the appropriate number of presidential nominees indicated.

(4) In the event that all nominees are rejected, the ASUI Senate shall request three (3) additional nominees from the ASUI President. The appointment process shall begin again with a fresh pool of candidates. This pool may contain previous applicants for the vacant ASUI Senate seat(s).

Section 3. Eligibility. ASUI Senators shall be members of the ASUI and their district and must maintain their ASUI membership and residency in their district throughout their terms. Additional eligibility requirements shall be as provided for in the ASUI Rules and Regulations.

Section 4. Salaries. The ASUI Senate shall be salaried positions.

ARTICLE III – EXECUTIVE.

Section 1. Executive Officers. The executive officers of the ASUI shall be the ASUI President and ASUI Vice President, elected by and from the ASUI membership.

Section 2. Authorities and Duties.

Clause A. ASUI President. The President of the ASUI shall:

(1) Be the official representative and spokesperson of the ASUI;

(2) Be responsible for the administrative and executive functions of the ASUI as established by this constitution and ASUI Rules and Regulations;

- (3) Submit a budget recommendation for the ASUI for the next fiscal year which shall include the budgets for the ASUI operations fee and other such fees as may be provided by action of the President of the University at the first regular ASUI Senate meeting in March;
- (4) Have the power, with the advice and consent of the ASUI Senate, to appoint persons to those positions of the ASUI created by the ASUI Senate in accordance with this constitution and ASUI Rules and Regulations;
 - (a) Upon the death, resignation, disability, ineligibility or removal of the ASUI Vice President, the ASUI President may select a qualified and eligible member of the ASUI to serve as the ASUI Vice President, with the advice and consent of the ASUI Senate.
- (5) Be the official spokesperson for those ASUI positions established by the ASUI Senate;
- (6) Have the power to either sign or veto any bill, with the exception of articles of impeachment against the ASUI President, within three (3) business days following its presentation by the ASUI Vice President upon passage by the ASUI Senate. However, if within the allotted three (3) business days the ASUI President takes no action, the bill automatically takes effect. If the bill is vetoed by the ASUI President, a two-thirds (2/3) majority vote of the ASUI Senate will override this veto and the bill is immediately enforceable unless an enactment date is included; and
- (7) Execute all other proper duties as established by the ASUI Senate.

Clause B. ASUI Vice President. The Vice President of the ASUI shall:

- (1) Be the President of the ASUI Senate;
- (2) Assume the duties of the ASUI President during the ASUI President's absence, and shall succeed to the presidency upon the death, resignation, disability, ineligibility or removal of the ASUI President;
- (3) Carry out all proper duties assigned by the ASUI President and ASUI Senate;
- (4) Shall, one (1) day of passage by the ASUI Senate, submit all bills to the ASUI President for signature or veto.
- (5) Supervise the codification of all the ASUI Senate enactments for the previous academic year; and
- (6) Supervise, by the end of each semester, the preparation of this constitution and ASUI Rules and Regulations as they have been amended and certify the accuracy and currency of these documents.

Section 3. Eligibility. The executive officers shall be members of the ASUI and must maintain their ASUI membership throughout their terms. Additional eligibility requirements shall be as provided for in the ASUI Rules and Regulations.

Section 4. Salaries. Executive officers shall be salaried positions.

ARTICLE IV – FACULTY COUNCIL REPRESENTATION.

Section 1. ASUI Faculty Council Members. The ASUI shall be represented in the Faculty Council by two (2) ASUI Faculty Council Members, elected by and from the ASUI membership.

Section 2. Authorities and Duties. Duties of the ASUI Faculty Council Members shall be as provided for in the ASUI Rules and Regulations and Faculty-Staff Handbook.

Section 3. Eligibility. The ASUI Faculty Council Members shall be members of the ASUI and must maintain their ASUI membership throughout their terms. Additional eligibility requirements shall be as provided for in the ASUI Rules and Regulations and Faculty-Staff Handbook.

Section 4. Salaries. ASUI Faculty Council Members shall be salaried positions.

ARTICLE V – UNIVERSITY JUDICIAL COUNCIL MEMBERSHIP.

Section 1. Provisions for the appointment of undergraduate student members to University Judicial Council shall be established in the ASUI Rules and Regulations and Faculty-Staff Handbook.

Section 2. No person receiving a salary from the ASUI shall be appointed to serve as undergraduate student members on the University Judicial Council.

ARTICLE VI – PROFESSIONAL EMPLOYEES.

Section 1. Professional employees of the ASUI shall be as provided in the ASUI Rules and Regulations.

Section 2. Professional employees of the ASUI shall be subject to all University employment requirements.

ARTICLE VII – DEPARTMENTS AND BOARDS.

Section 1. All official ASUI departments, as well as the management and control of such departments, shall be as provided in the ASUI Rules and Regulations.

Section 2. The ASUI Standing Boards and their subsidiary departments shall be as provided in the ASUI Rules and Regulations.

ARTICLE VIII – ELECTIONS.

Section 1. The ASUI Election Coordinator shall be responsible for the proper administration of ASUI general elections, repeal, recall, and referendum as provided in this constitution and the ASUI Rules and Regulations. The eligibility of the ASUI Election Coordinator and any ASUI Election Staff shall be as established by the ASUI Rules and Regulations.

Section 2. General Rules Pertaining to ASUI Elections.

Clause A. Procedures for nomination shall be established in the ASUI Rules and Regulations.

Clause B. Election Procedures.

- (1) Secret ballots shall be used. Space shall be provided for write-in candidates.
- (2) Provisions for absentee ballots shall be established in the ASUI Rules and Regulations. No person shall vote by proxy.
- (3) No nominee whose name appears on the ballot, nor any announced write-in candidates, shall serve as an official of that ASUI election.
- (4) In case of a tie vote for ASUI President, ASUI Vice President, or the last ASUI Senate position, a new election for that position shall be called by the ASUI President within one (1) week after the final tabulation of the tie election has been made.
- (5) All disputes or irregularities shall be decided as stipulated in the ASUI Rules and Regulations.

(6) All election statistics and the eligibility of the officers-elect shall be certified by the ASUI Election Coordinator and recorded in the minutes of the ASUI Senate within one (1) week.

(7) No person shall vote without first presenting to the ASUI Election Coordinator or staff proof, as defined in the ASUI Rules and Regulations, of current ASUI membership.

(8) The ASUI Election Coordinator shall have a copy of the proposed ballot published in the *University of Idaho Argonaut* issue immediately preceding the election date.

(9) Further election and campaign rules shall be established in the ASUI Rules and Regulations.

Clause C. Term of Office. The term of office for all ASUI elected positions shall be one (1) year.

Section 3. Fall ASUI General Election. The Fall ASUI general election will commence on the third Monday and run through the subsequent Wednesday in November, except in the event of a major conflict as determined by the ASUI Election Coordinator subject to the review of the ASUI Senate. Officers elected at this time shall be seven (7) ASUI Senators who shall be inaugurated at the second ASUI Senate meeting in December following the election.

Section 4. Spring ASUI General Election. The Spring ASUI general election shall commence on the second Monday and run through the subsequent Wednesday in April, except in the event of a major conflict as determined by the ASUI Election Coordinator subject to the review of the ASUI Senate. Officers elected at this time shall be the ASUI President, ASUI Vice President and eight (8) ASUI Senators, composed of ASUI members of their respective districts, who shall be inaugurated at the last ASUI Senate meeting of the spring semester. If at a time, determined by the ASUI Rules and Regulations, a district does not have the minimum amount of specified candidates, the residency requirements for that election shall be waived and all candidates shall be elected by simple majority.

Section 5. Required Number of Votes. The ASUI President and ASUI Vice President shall be elected by a plurality of the votes cast on the same ticket. The ASUI Senate shall be composed of the seven (7) candidates receiving a plurality of votes in their respective districts ~~the most votes in the~~ in the Fall ASUI general election, and the eight (8) candidates receiving a plurality of votes in their respective districts ~~the most votes in the~~ Spring ASUI general election, as outlined in the ASUI Rules and Regulations. ~~The ASUI Faculty Council Members shall be elected by a plurality of votes cast.~~

ARTICLE IX – REPEAL, RECALL AND IMPEACHMENT.

Section 1. Repeal.

Clause A. Any official act of the ASUI Senate, ASUI Vice President, or ASUI President may be repealed in an election initiated by a petition bearing signatures of ten (10) percent of the ASUI membership.

Clause B. The ASUI President shall call the election within two (2) weeks of receipt of the petition.

Clause C. The action shall be repealed by a simple majority of all votes cast in the election, provided that at least fifteen (15) percent of the ASUI membership votes.

Clause D. The repeal shall be valid only if it does not impair the validity of any contract regularly entered into in accordance with this constitution.

Section 2. Recall.

Clause A. ~~The ASUI President or ASUI Vice President~~ Any elected official of the ASUI may be removed from office in an election initiated by petitions bearing the signatures of ten (10) percent of the ASUI membership. Any ASUI Senator may be removed from office in an election initiated by petitions bearing the signatures of ten (10) percent of the ASUI membership of the ASUI Senator's district.

Clause B. The ASUI President shall call the election within two (2) weeks of receipt of the petition.

Clause C. The official(s) named on the petition shall be removed from office upon a two-thirds (2/3) majority of all votes cast in the election, provided that at least fifteen (15) percent of the ASUI membership votes.

Section 3. Impeachment.

Clause A. Any elected ASUI official may be impeached for malfeasance, misfeasance, or nonfeasance and, after proper hearing conducted before the ASUI Senate, be removed from office by a two-thirds (2/3) vote of the ASUI Senate.

Clause B. Charges may be brought before the ASUI Senate by any member(s) of the ASUI.

Clause C. Protocol for impeachment shall be as follows, without exception:

- (1) The ASUI elected official named in the article of impeachment may have present, during all proceedings, any legal counsel, witnesses or documents as deemed necessary for the protection of their legal rights and defense.
- (2) Any ASUI elected official named in an article of impeachment may continue with the duties of their office while said articles are being deliberated by the ASUI Senate.
- (3) Should the ASUI Senate hold an impeachment hearing, a two-thirds (2/3) vote of the ASUI Senate shall be sufficient to remove from office.
- (4) The ASUI elected official named in the article(s) of impeachment shall have closing arguments before the vote is taken.
- (5) In the event a member of the ASUI Senate is named in an article of impeachment, that ASUI Senate member shall abstain from voting on that article.

Clause D. Specifics and procedures concerning impeachment proceedings shall be as provided for in the ASUI Rules and Regulations.

ARTICLE X – REFERENDUM AND INITIATIVE.

Section 1. Referendum.

Clause A. A referendum on any issue may be initiated by a two-thirds (2/3) vote of the ASUI Senate.

Clause B. The referendum question shall appear on the next ASUI general election ballot or in a special election called for that purpose by the ASUI President.

Clause C. The proposal shall be approved by simple majority vote of those casting votes on the referendum in which at least twenty-five (25) percent of the ASUI membership votes.

Section 2. Initiative.

Clause A. Initiatives may be initiated by a petition bearing the signatures of ten (10) percent of the ASUI membership.

Clause B. The initiative question shall appear on the next ASUI general election ballot or in a special election called for that purpose by the ASUI President.

Clause C. The proposal shall be approved by simple majority vote of those casting votes on the initiative in which at least twenty-five (25) percent of the ASUI membership votes.

ARTICLE XI – PROCEDURE.

Section 1. *Robert's Rules of Order, Newly Revised* shall govern the procedure of all ASUI meetings unless other procedures are specified by this constitution, ASUI Rules and Regulations or ASUI Senate Bylaws.

ARTICLE XII – SUPREMACY.

Section 1. This constitution shall be the supreme authority of the ASUI, and any and all other ASUI documents shall be inferior to it.

Section 2. Any and all bylaws, rules and regulations and legislation within the ASUI that are inconsistent with this constitution shall be considered null and void.

ARTICLE XIII – RIGHTS OF MEMBERS.

Section 1. Every University of Idaho undergraduate student has the right to be a member of the ASUI regardless of age, creed, disability, ethnicity, gender, national origin, place of residence, political affiliation, race, religion, sexual orientation, socio-economic status and veteran status.

Section 2. Every ASUI member has the right to hold an ASUI office regardless of age, creed, disability, ethnicity, gender, national origin, place of residence, political affiliation, race, religion, sexual orientation, socio-economic status and veteran status.

Section 3. Every ASUI member has the right to fair representation by elected and appointed ASUI student leaders.

Section 4. Every ASUI member has the right to reasonable access to ASUI student leaders to actively voice concerns regarding issues pertaining to the welfare of the student body.

Section 5. Every ASUI member has the right to access information on the fiscal and policy actions taken by all entities of the ASUI government.

Section 6. Every ASUI member has the right to be represented by ASUI counsel when judicial action is taken against the individual by the University.

Section 7. Every ASUI member has the right to be counseled by ASUI leadership on campus and personal issues pertaining to the well being of the individual as a student of the University.

Section 8. Every ASUI member has the right to receive the same quality of education regardless of age, creed, disability, ethnicity, gender, national origin, place of residence, political affiliation, race, religion, sexual orientation, socio-economic status and veteran status. If a violation of this has occurred, the student has the right to be counseled by ASUI leadership to resolve the issue.

Section 9. Every ASUI recognized student organization has the right to be supported by the ASUI government in promotional endeavors and matters of validity.

Section 10. Every ASUI member has the right to attend all ASUI Senate meetings, ASUI Senate Standing Committee meetings, ASUI Senate Ad-hoc Committee meetings, ASUI Senate Special Committee meetings, ASUI President's Cabinet meetings, ASUI Joint Committee meetings and ASUI Standing Board meetings with the exception of executive sessions.

Section 11. Every ASUI member has the right to address concerns of violation of these rights to the ASUI leadership.

ARTICLE XIV – AMENDMENTS.

Section 1. An amendment to, and/or repeal of, a section, article or this constitution in its entirety shall be initiated by a two-thirds (2/3) vote of the ASUI Senate or by a petition bearing the signatures of at least ten (10) percent of the ASUI membership.

Section 2. The amendment and/or repealer shall be voted on in either of the ASUI general elections or in a special election called for that purpose by the ASUI President.

Section 3. Sections under consideration shall be amended or repealed by a two-thirds (2/3) majority of those voting on the proposal in that ASUI general election or special election called for that purpose.

Section 4. All adopted amendments and/or repealers shall go into effect immediately, unless they contain a specific enactment clause, upon the consent of the President of the University.

ARTICLE XV – RATIFICATION.

Section 1. This constitution shall be ratified by a two-thirds (2/3) vote of those ASUI members casting votes on the proposal, as shown by the certified ASUI general election results and upon the consent of the President of the University. Upon ratification of this constitution all preceding constitutions shall become null and void.

AMENDMENT I – FACULTY COUNCIL REPRESENTATION.

Section 1. Article IV of the ASUI Constitution is hereby repealed

Section 2. All material concerning and/or referencing the position of ASUI Faculty Council Member in this constitution shall be considered null and void.

AMENDMENT II – PRESIDENTIAL AND VICE PRESIDENTIAL TERMS OF OFFICE.

Section 1. Beginning in 2007, the office of the ASUI President and ASUI Vice President shall be elected in the Spring ASUI general election.

Section 2. Beginning in 2007, the terms of the office for ASUI President and Vice President shall start in May and continue for one (1) year.

Section 3. Article VIII, Section II, Clause C shall be suspended for the offices of the ASUI President and Vice President until the May 2007 inauguration of ASUI officials elected in the Spring 2007 ASUI general election.

Section 4. The terms of the office for the ASUI President and ASUI Vice President elected in the Fall 2005 general election shall be from December 2005 until May 2007.

Section 5. All material contrary to this amendment in this constitution shall be considered null and void.

AMENDMENT III – SENATE PRESIDENT PRO-TEMPORE

Section 1. Article II, Section 2, Clause B, Sub-clause 8a of the ASUI Constitution is hereby repealed.

AMENDMENT IV – SENATE DISTRICTING

Section 1. Article II Section 2 Clause A of the ASUI Constitution shall be amended as follows:
The ASUI Senate shall consist of 15 members to be elected ~~by and~~ from the district(s) composing of membership of the ASUI.

Section 2. Article II Section 3 of the ASUI Constitution shall be amended as follows:
ASUI Senators shall be members of the ASUI and their district and must maintain their ASUI membership and residency in their district throughout their terms. Additional eligibility requirements shall be as provided for in the ASUI Rules and Regulations.

Section 4. Article VIII Section 4 of the ASUI Constitution shall be amended as follows:
The Spring ASUI general election shall commence on the second Monday and run through the subsequent Wednesday in April, except in the event of a major conflict as determined by the ASUI Election Coordinator subject to the review of the ASUI Senate. Officers elected at this time shall be the ASUI President, ASUI Vice President and eight (8) ASUI Senators, composed of ASUI members of their respective districts, who shall be inaugurated at the last ASUI Senate meeting of the spring semester. If at a time, determined by the ASUI Rules and Regulations, a district does not have the minimum amount of specified candidates, the residency requirements for that election shall be waived and all candidates shall be elected by simple majority.

Section 5. Article VIII Section 5 of the ASUI Constitution shall be amended as follows:
The ASUI President and ASUI Vice President shall be elected by a plurality of the votes cast on the same ticket. The ASUI Senate shall be composed of the seven (7) candidates receiving a plurality of votes in their respective districts ~~the most votes in the~~ in the Fall ASUI general election, and the eight (8) candidates receiving a plurality of votes in their respective districts ~~the most votes in the~~ Spring ASUI general election, as outlined in the ASUI Rules and Regulations. ~~The ASUI Faculty Council Members shall be elected by a plurality of votes cast.~~

Section 6. Article IX Section 2 Clause A shall be amended as follows:
~~The ASUI President or ASUI Vice President Any elected official of the ASUI~~ may be removed from office in an election initiated by petitions bearing the signatures of ten (10) percent of the ASUI membership. Any ASUI Senator may be removed from office in an election initiated by petitions bearing the signatures of ten (10) percent of the ASUI membership of the ASUI Senator's district.

Section 7. The formation of districts and rules governing them shall be specified in the ASUI Rules and Regulations.