



**THE CONSTITUTION OF
THE ASSOCIATED STUDENTS OF
MONTANA STATE UNIVERSITY**

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CONSTITUTION OF THE ASSOCIATED STUDENTS OF MONTANA STATE UNIVERSITY-BOZEMAN

I. PREAMBLE

We, the students of Montana State University-Bozeman, having rights to uphold and interests to promote, both for ourselves and for the university, do organize ourselves as the Associated Students of Montana State University (ASMSU), and do establish this Constitution. The role of student government and its responsibilities shall be made explicit within this document.

II. STUDENT BILL OF RIGHTS

Discrimination

II-i

ASMSU shall not discriminate according to sex, race, creed, color, marital status, age, mental or physical ability, sexual preference, gender identity or expression, economic status, national or ethnic origin, religion or political affiliations in the implementation of any of its policies.

Rights

II-ii

ASMSU shall recognize that all students have the rights and privileges set forth by the Federal Constitution, State Constitution, and any other federal, state, or local statutes, and shall do all within its power to ensure that these rights are upheld.

In Loco Parentis

II-iii

ASMSU shall not act in loco parentis for its members. This is to imply that ASMSU shall not impose moral sanctions upon the lifestyles or personal habits of MSU-Bozeman students beyond those dictated by federal, state, or local law.

Discipline**II-iv**

Students shall be free from capricious disciplinary action. Any disciplinary action shall be on academic grounds unless civil or criminal action is involved, and in such cases the appropriate authorities shall take action. Disciplinary action shall not be imposed without due process.

Court Action**II-v**

Any MSU-Bozeman student or organization shall have the right to request that court action be taken against any party infringing on rights stated in this document. ASMSU will assist in these matters where appropriate and practical, however, it is not expected that ASMSU will act against its own interests.

Expression**II-vi**

Students shall be free to express opinions. Students shall be free to support causes by orderly means. Student publications may be distributed on campus provided such distribution does not disrupt the operations of MSU-Bozeman. Students' media is to be free of censorship. This editorial freedom shall entail a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission. Opinions expressed in or by student media shall not be interpreted as official university or ASMSU policy.

Campus Policies**II-vii**

Clearly defined means shall be provided for student expression and action on all policies, including those affecting academic and student affairs, the right to control student owned facilities, and on-campus monopolies, by means outlined in the Bylaws.

Records**II-viii**

All records and information concerning any aspect of students' life and performance on campus acquired by ASMSU in any capacity shall be considered confidential and be disclosed only to the student or to others upon the student's request or by subpoena.

Resource Allocation

II-ix

Students shall have their resources allocated in a responsible manner to ensure the greatest benefit to the student body.

III. QUALIFICATIONS FOR MEMBERSHIP

An ASMSU member shall be defined as any Montana State University-Bozeman student paying the Student Activity Fee. An MSU-Bozeman student shall be defined as anyone currently enrolled at Montana State University-Bozeman.

IV. ASSOCIATED STUDENT POWER

Student Request

IV-i

A petition bearing the signatures of two percent of the ASMSU membership stating the subject to be considered is sufficient to request a meeting of the ASMSU Senate. All petitions must be filed with the ASMSU Senate Speaker.

Initiative

IV-ii

MSU-Bozeman students may enact Constitutional and Bylaw amendments by initiative on all matters pertaining to ASMSU. Initiative petitions must contain the full text of the proposed amendment, and shall be signed by at least two percent of the ASMSU membership. All initiative petitions must be filed with the ASMSU Senate Speaker. Initiative petitions regarding Constitutional amendments shall be filed at least one month prior to the earliest general election at which the initiative will be voted upon during the general election.

Referendum

IV-iii

MSU-Bozeman students may approve or reject by referendum any bill or resolution of ASMSU, with the exception of monetary appropriations. A referendum shall be held either upon order of the ASMSU Senate or upon a petition signed by at least two percent of the ASMSU membership. A referendum petition shall be filed with the ASMSU Senate Speaker no later than three months after the bill or resolution passed.

Recall**IV-iv**

MSU-Bozeman Students have the power to recall elected or appointed Officials. A petition naming the Official whose removal is requested and bearing the signatures of two percent of the MSU-Bozeman students will be considered upon submission to the ASMSU Chief Justice. A general election considering the question of the petition must be conducted within three weeks of the petition's submission. A simple majority of the votes in this election will be sufficient to remove the official in question.

Student Bill System**IV-v**

Student bill forms will be made available by ASMSU. Completed bills shall be submitted to the ASMSU office. Upon receipt of the student bill form, the ASMSU Senate Speaker shall appoint an ASMSU Senator to work with the student sponsor on the bill, in order to write the bill. The appointed ASMSU Senator shall be responsible for finding the requisite number of ASMSU Senate sponsors for the bill.

V. ASMSU OFFICIALS**General****V-i**

ASMSU Officials shall be defined as any persons holding elected or appointed offices within ASMSU. The Bylaws shall provide for any number of additional ASMSU Officials and shall state their qualifications and duties of office.

Qualifications**V-ii**

Every ASMSU member is qualified to seek election or appointment as an ASMSU Official so long as the member meets the requirements set forth in the ASMSU Constitution and Bylaws.

VI. PRESIDENT

There shall be an ASMSU President.

Duties

VI-i

The ASMSU President shall:

- (a) Uphold the ASMSU Constitution and Bylaws;
- (b) Be the official representative of ASMSU and MSU students;
- (c) Act as an ex-officio, non-voting member of all ASMSU committees, boards, and taskforces;
- (d) Fulfill the duties set forth by the ASMSU Bylaws.

Powers

VI-ii

Executive powers of ASMSU shall be vested in the ASMSU President. The ASMSU President shall have the ultimate power over all student-hired positions as stated in the Bylaws. The ASMSU President shall have the power to veto any bill passed by the ASMSU Senate. The veto must be announced before the close of the next regularly scheduled ASMSU Senate meeting. The ASMSU Senate then has the option to override the ASMSU President's veto.

Election

VI-iii

MSU-Bozeman students shall elect the ASMSU President and ASMSU Vice President on a joint ticket. They shall serve a term of one year, or until their successors are elected and qualified.

Vacancy

VI-iv

In the event of the vacancy of the office of the ASMSU President, the ASMSU Vice President shall assume the office of the ASMSU President for the remainder of the original term until successors are elected and qualified.

Limited Term

VI-v

No person shall be elected to the office of the ASMSU President for more than two terms.

VII. VICE PRESIDENT

There shall be an ASMSU Vice President.

Duties

VII-i

The ASMSU Vice President shall:

- (a) Uphold the ASMSU Constitution and Bylaws;
- (b) Act as the spokesman of ASMSU and MSU students in the absence of the ASMSU President;
- (c) At the discretion of the ASMSU President, act as an ex-officio, non-voting member of all ASMSU committees, boards, and taskforces;
- (d) Fulfill the duties set forth by the ASMSU Bylaws;
- (e) Fulfill duties as delegated by the ASMSU President.

Election

VII-ii

The ASMSU Vice President shall be elected by MSU-Bozeman students as outlined in section VI-iii.

Vacancy

VII-iii

In the event of the vacancy of the office of ASMSU Vice President, the position shall be appointed by the ASMSU President, subject to confirmation by a majority vote of the ASMSU Senate. The appointed ASMSU Vice President shall serve for the remainder of the original term until successors are elected and qualified.

Limited Term

VII-iv

No person shall be elected to the office of ASMSU Vice President for more than two terms.

VIII. BUSINESS MANAGER

Appointment

VIII-i

There shall be an ASMSU Business Manager appointed by the ASMSU President, subject to confirmation by a majority vote of the ASMSU Senate.

Duties

VIII-ii

- (a) Uphold the ASMSU Constitution and Bylaws;
- (b) Fulfill the duties set forth by the ASMSU Bylaws;
- (c) Fulfill duties as delegated by the ASMSU President.

IX. LEGISLATIVE BRANCH

The legislative branch of ASMSU consists of one body, herein known as the ASMSU Senate.

Duties

IX-i

ASMSU Senators shall:

- (a) Uphold the ASMSU Constitution and Bylaws;
- (b) Attend all meetings of the ASMSU Senate. It is at the discretion of the ASMSU Senate Speaker to determine absences as excused or unexcused as outlined in the Bylaws;
- (c) Report regularly on the Programs to which they are a liaison;
- (d) Fulfill the duties set forth by the ASMSU Bylaws.

Powers

IX-ii

Legislative powers of ASMSU shall be vested in the ASMSU Senate. Only the ASMSU Senate has the power to create new programs, to remove existing programs, and to establish or change the goals of any ASMSU organization. The ASMSU Senate has the right to overrule all budgetary recommendations. The ASMSU Senate reserves the right to override the ASMSU President's veto by a three-fourths majority vote at the next regularly scheduled meeting following the announcement of the veto.

Voting Members

IX-iii

The voting membership of the ASMSU Senate is to consist of twenty voting ASMSU Senators. Each member shall have one vote. The ASMSU Senate Speaker shall vote only to make or break a tie or where such vote could be the deciding vote.

Election

IX-iv

The ASMSU Senate shall be composed of elected Officials based on the member's academic college as set forth by the ASMSU Bylaws, for a term of one year, or until their successors are elected and qualified.

Vacancy

IX-v

In the case of vacancy, ASMSU Senate positions are to be filled by appointment from ASMSU members. Candidates must satisfy the requirements specified in the Bylaws. A simple majority of the total ballots cast by the voting members of the ASMSU Senate is sufficient for the candidate's appointment to a vacated position. Each position will be filled individually.

X. SENATE SPEAKER

Appointment

X-i

There shall be an ASMSU Senate Speaker appointed from the membership of the ASMSU Senate by a majority vote of the ASMSU Senate.

Duties

X-ii

The ASMSU Senate Speaker shall chair the ASMSU Senate, the ASMSU Senate Judiciary Committee, and fulfill duties set forth by the ASMSU Bylaws.

Vacancy

X-iii

In the event of the vacancy of the office of the ASMSU Senate Speaker, the ASMSU Senate shall appoint the position by a majority vote of the ASMSU Senate. The ASMSU Senate Speaker Pro Tempore shall assume the responsibilities of the Senate Speaker until the appointment is made.

XI. SENATE SPEAKER PRO TEMPORE

Appointment

XI-i

There shall be an ASMSU Senate Speaker Pro Tempore appointed from the membership of the ASMSU Senate by a majority vote.

Duties

XI-ii

The ASMSU Senate Speaker Pro Tempore shall chair the ASMSU Finance Board, Registered Student Organization Funding Board, and fulfill duties set forth by the ASMSU Bylaws. In the absence of the ASMSU Senate Speaker, the ASMSU Senate Speaker Pro Tempore shall assume the responsibilities of the ASMSU Senate Speaker.

Vacancy

XI-iii

In the event of the vacancy of the office of ASMSU Senate Speaker Pro Tempore, the ASMSU Senate shall appoint the position by a majority vote.

XII. SENATE JUDICIARY COMMITTEE

There shall be an ASMSU Senate Judiciary Committee.

Appointment

XII-i

The ASMSU Senate shall appoint three ASMSU Senators to serve on the ASMSU Senate Judiciary Committee by a majority vote. The ASMSU Senate Speaker shall chair the meetings and vote only to break ties.

Duties

XII-ii

The ASMSU Senate Judiciary Committee shall meet in order to review and submit updates to the ASMSU Constitution and Bylaws as needed. In the instance of a Supreme Court ruling, the committee shall submit proposed legislation to the ASMSU Senate.

XIII. SENATE MEETINGS

Regular Meetings

XIII-i

The ASMSU Senate shall convene once a week during the fall and spring semesters of the academic year, at a regular time established by the ASMSU Senate. All regular meetings of the ASMSU Senate shall be open to the public.

Special Meetings

XIII-ii

The ASMSU Senate Speaker may call special meetings. The ASMSU President may call a special meeting with a petition bearing the signatures of a majority of the voting members of the ASMSU Senate.

Conduct of all Meetings

XIII-iii

All meetings of the ASMSU Senate are to be conducted in accordance with *Robert's Rules of Order, Newly Revised*.

Senate Records

XIII-iv

Records and minutes of the ASMSU Senate shall be open to the public. Records should be made available within three working days following the meeting.

Quorum

XIII-v

The quorum for ASMSU Senate meetings shall be a majority of the ASMSU Senate voting members, except in the instance of impeachment and removal, which require a two-thirds majority attendance.

Voting

XIII-vi

All votes shall be made by the voting members in attendance.

XIV. JUDICIAL BRANCH

The Judicial Branch of ASMSU consists of one body, herein known as the ASMSU Supreme Court.

Duties

XIV-i

ASMSU Justices shall:

- (a) Uphold the ASMSU Constitution and Bylaws;
- (b) Interpret the ASMSU Constitution and Bylaws;
- (c) Attend all meetings of the ASMSU Supreme Court. It is at the discretion of the ASMSU Chief Justice to decide if absences shall be excused or unexcused as outlined in the ASMSU Bylaws.

Powers

XIV-ii

Judicial powers of ASMSU shall be vested in the ASMSU Supreme Court. All final appeals of ASMSU members shall be heard before the ASMSU Supreme Court as outlined in the ASMSU Bylaws.

Voting Members

XIV-iii

The voting membership of the ASMSU Supreme Court shall be comprised of a set number of ASMSU Justices outlined in the Bylaws. The ASMSU Senate may increase the membership of the ASMSU Supreme Court to be no greater than thirteen and decrease it to no fewer than five. A decrease in the composition of the ASMSU Supreme Court shall be done through attrition. Each ASMSU Justice shall have one vote.

Appointment

XIV-iv

ASMSU Justices shall be appointed by the ASMSU President, subject to confirmation by a two-thirds vote of the ASMSU Senate.

Term

XIV-v

Following appointment, ASMSU Justices shall be permitted to serve as long as they remain an eligible ASMSU member.

Vacancy

XIV-vi

In the case of vacancy, ASMSU Justices shall be appointed in the same manner as the initial appointment outlined in section XIV-iv.

XV. CHIEF JUSTICE

Appointment

XV-i

There shall be an ASMSU Chief Justice appointed from the membership of the ASMSU Supreme Court by the ASMSU President, subject to confirmation by a majority vote of the ASMSU Senate.

Duties:

XV-ii

The ASMSU Chief Justice shall:

- (a)** Chair meetings of the ASMSU Supreme Court;
- (b)** Chair meetings of the ASMSU Senate during hearings regarding impeachment and removal of ASMSU Officials of the Executive Branch and Legislative Branch;
- (c)** Hold custody of the current and all previous versions of the ASMSU Constitution and Bylaws;
- (d)** Deliver the Oath of Office to all incoming ASMSU Officials of the Executive Branch and Legislative Branch;
- (e)** Fulfill duties set forth in the ASMSU Bylaws.

XVI. APPOINTED OFFICIALS

Appointees shall not be empowered to act in their designated capacity until the ASMSU Senate has confirmed the appointment by a majority vote. Further duties of all appointed Officials are outlined in the Bylaws.

XVII. INSTALLATION AND REMOVAL

Installation

XVII-i

All ASMSU elected and appointed positions shall be installed after taking the oath of office.

The oath shall be:

“In all sincerity, I do hereby pledge myself to the Associated Students of Montana State University, to vote and act at all times in the best interest of the student body, to support the ASMSU Constitution, and to do nothing which shall be in violation of the trust imposed in the office.”

Assuming Duty

XVII-ii

No incoming ASMSU Official shall assume official duties of office until installed. All outgoing Officials shall work in good faith to ensure an orderly transition of official duties.

Impeachment and Removal

XVII-iii

The ASMSU Senate shall have the sole right of impeachment and removal. ASMSU Officials shall be removed from office if, at least one week following the passage of an impeachment resolution of the Official in question, three-fourths majority of the total voting membership of the ASMSU Senate so orders.

XVIII. FISCAL POLICY

General

XVIII-i

The ASMSU Senate shall oversee the expenditure of ASMSU funds with the advice and recommendations of the ASMSU Finance Board. No expenditures shall be made from these funds for purposes outside the legitimate activities of ASMSU.

Finance Board

XVIII-ii

The Finance Board may recommend any fiscal, operational, or management change to any budget or request. It shall be the function of the ASMSU Finance Board to review all financial requests made of ASMSU in accordance with the Bylaws.

Term

XVI-iii

ASMSU Finance Board members shall serve a term of one year, coinciding with the academic year.

Funded Organizations**XVIII-iv**

In order for an organization to receive funds annually from ASMSU, the organization must be a recognized operation of ASMSU.

Senate Fiscal Powers**XVIII-v**

If the ASMSU Senate wishes to override a Finance Board recommendation for existing ASMSU organizations, or fund an entity without a Finance Board recommendation, they must do so by a two-thirds majority vote of the ASMSU Senate. The ASMSU Senate has the right to overrule all budgetary recommendations.

XIX. ASMSU FUNDS**Operating Funds****XIX-i**

ASMSU shall have an Operating Fund, which consists of total annual projected activity fee revenues. The Operating Fund shall be used to finance annual operating expenses of ASMSU. Appropriations shall be made annually.

Reserve Fund**XIX-ii**

ASMSU shall have a Reserve Fund, which consists of a percentage of the Operating Fund, as outlined in the Bylaws. The Reserve Fund shall be used to finance unforeseen costs of an unusual, extraordinary, or expensive nature. If the Reserve Fund drops below its specified amount, it must be replenished within three years.

Supplemental Fund**XIX-iii**

ASMSU shall have a Supplemental Fund, derived from the Operating Fund, consisting of a specified amount determined by the ASMSU Senate during the annual budgeting session. The Supplemental Fund shall be used to fund ASMSU activities and programs that the ASMSU Senate believes will substantially benefit or support ASMSU members.

Presidential Discretionary Fund**XIX-iv**

ASMSU shall have a Presidential Discretionary Fund consisting of one percent of the annual projected activity fee revenues. It shall exist to finance all matters deemed worthy by the ASMSU President. All expenditures shall be reported to the ASMSU Senate following the expenditure. Unspent monies in the ASMSU Presidential Discretionary Fund shall roll over into the Reserve Fund.

XX. CONSTITUTION

Amendment by referendum

XX-i

Any member of the ASMSU Senate may propose amendments to this Constitution. If passed by a two-thirds majority vote of the ASMSU Senate, then the proposed referendum shall be submitted to MSU-Bozeman students at the next general election to be voted upon.

Amendment by initiative

XX-ii

MSU-Bozeman students may propose amendments to this Constitution by an initiative as outlined in section IV-ii.

Enactment

XX-iii

If ratified by a majority of MSU-Bozeman student voters, the amendment shall become a part of this Constitution effective immediately.

XXI. BYLAWS

Bylaw Amendments

XXI-i

MSU-Bozeman students may propose amendments to the ASMSU Bylaws by an initiative, as outlined in section IV-ii.

Bill Requirements and Ratification

XXI-ii

The ASMSU Senate may propose an amendment to the ASMSU Bylaws by a bill bearing the signatures of at least twenty percent of the voting members. A majority vote of the ASMSU Senate, and the signature of the ASMSU President or the override of a veto as outlined in section IX-I, is necessary for the ratification of a bill.

Enactment

XXI-iii

All amendments become effective immediately following the implementation procedures outlined in sections XIX-i and XIX-ii, unless otherwise specified in the initiative or bill.

XXII. RESOLUTION

A resolution is a formal statement of the ASMSU Senate that expresses a desire, opinion, sympathy, or request. A resolution does not have the force of law. A resolution must be passed by a majority vote of the ASMSU Senate.

XXIII. ELECTION

Only ASMSU members as outlined in section III shall be eligible to seek elected or appointed office as an ASMSU Official. All students registered for one or more credit shall be permitted to vote in any ASMSU election. In order to hold any Official position, a member must be in good academic standing with MSU-Bozeman. No person shall hold or be a candidate for two or more ASMSU elected positions at the same time.