

ASCI Constitution

Preamble

We, the students of The College of Idaho, in order to provide for the organized conduct of student affairs, to promote the academic, cultural, social, and recreational activities of the students of the college, to realize more fully in our student affairs the concept and practices of efficient and dynamic democracy, and to strengthen the unity of purpose between students, faculty, staff, and administration in working towards these common goals, do ordain and establish the Constitution and ASCI Code for The College of Idaho.

ARTICLE I: Name and Membership

Section 1. *Name.*

The name of this organization of students shall be the Associated Students of The College of Idaho (ASCI).

Section 2. *Membership.*

All registered students of the college shall be members of the ASCI, with privilege to vote in all ASCI elections.

Full time students have the opportunity to be elected to or hold office, and to represent the ASCI in any intercollegiate activities to which the authority of this Constitution and ASCI Code extends.

Section 3. *Funding.*

Student fees shall be charged separately from tuition and kept in the ASCI general accounts.

ARTICLE II: Separation of Powers of the Student Government

The powers of the student government are divided into three distinct branches: the Executive branch, the Legislative branch, and the Judicial branch. No person or collection of persons charged with the exercise of powers properly belonging to one of these branches shall exercise any powers properly belonging to the other branches, except when expressly directed or permitted by in this Constitution and ASCI Code.

ARTICLE III: The Legislative Branch

Section 1. *Legislative Power.*

All legislative powers herein granted shall be vested in the Senate of ASCI, except as

otherwise noted in ASCI Code.

Section 2. *Composition of the Senate.*

The Senate shall be composed of the following persons:

- The Senators, the number being established by the President, Vice-President, Secretary, and Treasurer, shall have the power to draft and vote legislation.
- The President, who shall be present at every Senate session, shall be an ex officio member of Senate and shall not have the power to vote.
- The Vice-President, who shall preside over the Senate as Chairperson, shall vote only in the case of a tie.
- The Secretary, who shall record the minutes of every meeting, shall not have the power to vote.
- The Treasurer, who shall hold responsibility of fiscal matters, shall not have the power to vote.
- The Parliamentarian, who shall advise on parliamentary procedure, shall not have the power to vote.

Section 3. *Organization and Procedure in Senate.*

The rules of procedure for the Senate shall be Robert's Rules of Order Revised, within the bounds of this Constitution and the ASCI Code.

Section 4. *Sessions of the Senate.*

The Senate shall be a continuous body during the term for which the Senators are elected.

The Senate shall meet during regular weekly sessions.

Special sessions of the Senate may be called by the ASCI Vice-President, ASCI President or when the majority of Senators request the Vice-President to call for one.

Section 5. *Quorum.*

A simple majority of the voting members of the Senate shall constitute a quorum for the transaction of business.

Section 6. *Minutes.*

The Secretary shall keep the minutes of Senate proceedings and shall publish the minutes through email

Section 7. *Committees.*

In exercise of the legislative powers, the Senate shall have the authority to ordain, establish, and dissolve any committees, which it deems necessary.

Section 8. *Prohibition of Secret Sessions of Senate.*

The business of the Senate shall be transacted openly and not in private session, unless by majority vote of the Senate under dire circumstances by which the meetings will be closed to the public, however the results of the meeting will be made public.

Section 9. *Qualifications of Senators.*

Senators shall be full time members of ASCI and members of the constituency from which they are elected.

Section 10. *Terms of Office of Senators.*

Elections for the Senate shall be held once during each school year.

The times, places, and manner of holding elections for Senators shall be prescribed by ASCI Code.

Section 11. *Voting Privileges in the Senate.*

Each Senator shall have one vote and cannot vote by proxy on any business before the Senate, except as otherwise stated in the ASCI code.

Only in the case of a tie vote shall the chairperson cast a vote.

No other persons shall have voting privileges on business before Senate.

Section 12. *Recall and Disqualification of Senators.*

A Senator may lose office by recall or disqualification.

A Senator may be recalled from office by a two-thirds majority of the total votes cast from his or her district in the last election.

A vote for removal shall be held automatically when a Senator fails to meet the requirements of ARTICLE III, Section 9 of the Constitution.

Section 13. *Manner of Filling Vacancies in the Senate.*

When a vacancy occurs in Senate, the manner of filling the vacancy shall be prescribed by ASCI Code.

Section 14. *Manner of Passing Bills.*

No law shall be passed except by bill, nor shall any bill be put upon its final passage until the same shall have been printed for the use of the members of the Senate. Accordingly, no bill shall become law unless the same shall have been read by title on two separate sessions before Senate, previous to the final vote thereon. In the case of expediency, a vote of two-thirds of the Senate may dispense with this provision on any such pending bill.

On final passage of all bills, a vote shall be called on each separately, and shall be entered into the minutes.

No bill shall become law without the concurrence of a two-thirds majority of the voting members of the Senate.

Section 15. *Manner of Passing Resolutions.*

Such procedure as outlined in ARTICLE III, Section 14 shall also apply. No resolution

shall be adopted without the concurrence of a simple majority of the voting members of the Senate.

Section 16. *Manner of Passing Orders.*

Such procedures as outlined in ARTICLE III, Section 14 shall also apply to orders. No order shall be adopted without the concurrence of a simple majority of the voting members of the Senate.

Section 17. *Signing Requirement on Bills, Orders, and Resolutions.*

All bills, orders, and resolutions passed shall be signed by the presiding officer of the ASCI Senate and shall then be sent to the ASCI President for his signature or veto.

Section 18. *Veto by the ASCI President.*

When a bill is passed by the Senate, it shall be forthwith presented to the ASCI President. If he or she approves he or she shall sign it, but if not he or she shall return it with his or her objections.

The Senate will then reconsider it. If after this reconsideration two-thirds of the Senate agree to the Presidential veto, the bill shall become law.

If any bill is not returned by the President within seven days after passage, the bill shall become law, as if he or she had signed it.

If Senate adjournment prevents the return of the bill, then the President will have fourteen days in which to sign or veto the bill.

Such procedure shall also apply to resolutions and orders.

Section 19. *Ex-officio Members of the Senate.*

The ASCI President, Secretary, and the Treasurer shall be ex-officio members of the Senate, with the right to discuss matters before this respective body but shall not have the power to vote.

Section 20. *Reservation of Power of Initiative and Referendum.*

The students reserve the power of referendum, that is the power to approve or reject any act passed by the Senate. They also reserve the power of initiative, that is the power to propose law to the same extent as the Senate, if consistent with the Constitution and the ASCI code.

The conditions and manners in which the powers of the initiative and referendum may be exercised and shall be prescribed by ASCI Code.

A petition with signatures equal to one-tenth of the members of the student body is

necessary to present the said issue in a Senate session. A simple majority of votes by the student body on any such proposal shall decide the outcome.

Section 21. *Powers of the Senate.*

Except as otherwise specified, the Senate shall have the power to make all laws which shall be necessary and proper for carrying into execution for foregone responsibilities and all other duties specified by this Constitution and the ASCI Code, in the governing of the organization.

Section 22. *Alternate Senator.*

Alternate Senators shall be responsible for assuming the duties of a Vacant Senator.

The Alternative Senator is selected by the Vacant Senator.

Section 23. *Vacant Senator.*

If a Senator is unable to attend Senate due to school related activities for a continuous period of time, more than three (3) weeks, less than seven (7) weeks, then the Alternate Senator shall assume responsibilities until the Vacant Senator returns.

ARTICLE IV:

The Executive Branch

Section 1. *Elected Officials and Terms of Office.*

The elected officials of the Executive Branch shall consist of a President, Vice-President, Secretary, and Treasurer.

The terms of such officials shall be one year beginning at midnight of the first Monday following their election.

Section 2. *Qualifications of Elected Officials.*

The elected officials of the Executive Branch shall be members of ASCI, and shall be full-time students of The College of Idaho.

Section 3. *Compensation of Elected Officials.*

The compensation of the elected officials of the Executive Branch shall be prescribed by ASCI Code, but shall not be increased or diminished during their respective terms of office.

Section 4. *Election Procedure for Elected Offices.*

Each member of the Executive Branch shall serve a term of one year and shall be elected as follows:

An election shall be held and the votes shall then be counted.

The candidate receiving the greatest number of votes shall be elected, if such a number

shall be a majority of the whole number of votes cast.

If no candidate has a majority of the votes, a runoff election shall be held between the two persons having the most votes, or among the person having a plurality of votes cast and the persons tying for second place.

If no person shall gain a majority in a runoff election, the Senate shall immediately choose by ballot one of them for office.

A quorum for this purpose shall consist of two-thirds of the Senate.

Section 5. *Executive Powers of the ASCI President.*

The executive power of the student shall be vested in the President.

He or she shall be responsible for the faithful execution of the Constitution and ASCI Code.

He or she shall recommend legislation to the Senate and shall deliver to the proper authorities all legislation passed by Senate.

He or she shall report to the Senate decisions reached and action taken by the administration with regards to such legislation.

He or she shall appoint the Chairperson and members of standing committees, boards, and of such special committees as may be approved by the Senate, except as otherwise provided by this Constitution and ASCI Code.

Upon the approval of two-thirds of the Senate these appointments shall become effective.

The President, with the approval of two-thirds of the Senate may require the resignation of such persons.

Section 6. *Legislative Powers of the ASCI President.*

The President may convene the Senate in special session in the manner provided in ARTICLE III, Section 4 of this Constitution.

The President has veto power over any legislation passed by the Senate as provided in ARTICLE III, Section 17 of this Constitution.

Section 7. *Recall and Disqualification of Executive Officials.*

Upon the recommendation of two of the three bodies: Office of Student Involvement, ASCI Senate, and/or a majority of student opinion, the Senate will have the power to remove an elected member of the ASCI Executive Branch by a two-thirds majority vote.

If an elected member is removed from office a new election will be held as soon as possible.

Section 8. *Manner of Filling Vacancies in the Executive Branch.*

In a case of resignation, which shall be by open letter to the student body, disqualification, or removal of any member of the Executive Branch, the Senate shall immediately call a special election to fill such vacancy.

If the vacancy shall occur within sixty (60) school days of the regular annual date fixed for the election of members of the Executive Branch, the President shall fill such vacancy by appointment or if the vacancy shall occur in the office of the President, the Vice-President shall assume the duties of the President. Both appointments require a two-thirds vote in Senate.

Section 9. *Succession to the Office and Power of President.*

In case of the removal of the President from office, or in his or her death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President, the Senate may by ASCI Code provide for the case of removal, death, resignation, or inability, both of the President and the Vice-President, declaring which Official would then act as President, until the disability is removed or a President is elected.

Section Section 10. *Powers of Vice-President.*

The Vice-President shall, in the temporary absence of the President, perform the duties of the President. He or she shall serve as Chairperson of the Election Board. Additionally, he or she shall assist the President in the execution of his or her duties and perform all other duties incident to such office or as may be granted to him or her by the ASCI Senate.

He or she shall serve as Chairperson of the Election Board.

He or she shall serve as President of the ASCI Senate and shall have the power to temporarily suspend senators for willful or persistent failure to perform their duties, or in cases of insubordination and disruption of procedure.

Section 11. *Purpose of Program Council.*

The purpose of the Program Council shall be to develop, implement, promote, coordinate, and evaluate a cultural, recreational, and social activities program at The College of Idaho.

The Program Council shall be responsible for reviewing and preparing the annual budget for the activities program.

The Program Council shall be responsible for the allocation of funds solicited by non-Program Council groups at The College of Idaho.

ARTICLE V: The Judicial Branch

Section 1. Authority of the Judiciary.

This Constitution and ASCI Code, which shall be made in pursuance thereof, shall be the supreme law of ASCI and the court(s) shall be bound thereby.

Section 2. Delegation of Judicial Power.

The Judicial power shall be vested in the Honor Council. If required, the Senate may create a system of lower courts with the Honor Council acting as an appellate court.

Section 3. Powers of the Honor Council.

The Honor Council shall be vested with the following powers:

to hear all disciplinary cases referred to it by members of the administration and members of the faculty

to interpret the Constitution and to pass on the constitutionality of any legislation or executive action

to render advisory opinions upon request of the Senate or of the Executive offices

to have the power to issue all writs or punishments necessary and proper for the full exercise of its jurisdiction.

Section 4. Cases of a Felonious Nature.

The President of the College or his designee reserves the right to remove any case of a felonious nature from the jurisdiction of the Honor Council to protect the good name or the welfare of individuals and the College.

Section 5. Removal of Justices.

The Senate shall provide by ASCI Code for the removal of justices for willful or persistent failure to perform their duties and shall provide by ASCI Code for the disability of justices that seriously interferes with the performances of their duties.

Section 6. Individual Rights.

In all proceedings, the accused shall be guaranteed the following rights:

to have a speedy hearing

to be informed of the nature and cause of the accusation

to have compulsory process for obtaining witnesses in his/her favor

to refuse to testify against him or herself.

to have access to the testimony of the accuser and witnesses.

ARTICLE VI: Changes in the Constitution

Section 1. *Constitution Changes Proposed by the Senate.*

ASCI Senate with a two-thirds majority, may propose a new Constitution, or a revision of, or amendments to, the Constitution and in the same manner, may amend or withdraw its proposal.

Section 2. *Constitutional Convention.*

ASCI Senate, with a two-thirds majority, may submit at a general election the question of whether to call a convention to propose a new Constitution, or a revision of, or amendments to, the Constitution. If two-thirds of those voting on that question vote yes, the legislature shall provide for the convention.

The convention, by a two-thirds vote, may submit a new Constitution, to the voters at a special election.

Every four years or sooner as necessary, the Senate shall ordain a committee to revise, amend or submit a new Constitution as needed. Any amendment revision, or a new Constitution submitted by this committee and authorized by the Senate, two-thirds of the members concurring, may be brought directly before the voters in a special election.

ARTICLE VII: Ratification

The approval of the Senate by two-thirds vote and the ratification of the majority of the voters of the members of the ASCI, who shall cast their votes in a special election held for ratification shall be sufficient for the establishment of this Constitution and ASCI Code.