THE CONSTITUTION OF
THE ASSOCIATED STUDENTS OF
MONTANA STATE UNIVERSITY

Last Modified: Spring Semester, 2020
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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 against any person or other entity on the basis of sex, gender identity, gender expression, sexual orientation, pregnancy, race, color, ethnicity, national origin, citizenship, religion, creed, socioeconomic status, literacy, marital or family status, age, ability (mental, physical, developmental, learning), genetic information, political ideas, military or veteran status, or first generation status in the implementation of any of its policies.

Rights II-ii

ASMSU shall recognize that all Montana State University – Bozeman students, herein referred to as Students, have the rights and privileges set forth by the Federal Constitution, State Constitution, MSU Policies, 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 nor impose moral sanctions or judgements upon behavior exhibited by Students beyond those dictated by federal, state, or local law.
Discipline II-iv

Students shall be free from arbitrary and 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 Student or Student 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 and support causes by orderly means. Student publications may be distributed on campus provided such distribution does not disrupt the operations of MSU-Bozeman. Student media shall 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 for student expression and action on all policies, including those affecting academic and student affairs, control of student owned facilities, and the presence of on-campus monopolies, shall be provided and clearly outlined in the Bylaws.

Records II-viii

Any information about individual students gathered or acquired by ASMSU shall be considered confidential. This information shall be disclosed only upon written request of the Student or by a lawfully issued subpoena.
Resource Allocation

Student resources overseen by ASMSU, including Student activity fee dollars, shall be managed and allocated in a strategic and responsible manner to ensure the most equitable benefit to the student body and reflect student values and interests.

III. QUALIFICATIONS FOR MEMBERSHIP

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

IV. ASSOCIATED STUDENT POWER

Request for Senate Meeting

A petition stating the subject to be considered and bearing the signatures of at least two percent of the Student body is required to request a special meeting of the ASMSU Senate. All petitions must be filed with the ASMSU Senate Speaker, who will verify the above requirements have been met and coordinate the meeting of the ASMSU Senate.

Student Bill and Resolution Request

Student bill and resolution forms will be made available by ASMSU. Completed forms shall be submitted to the ASMSU Senate Speaker, who shall review the form and seek out an ASMSU Senator to sponsor the bill or resolution. The ASMSU Senator shall be responsible for coordinating with the Student(s) to write the bill or resolution and for securing the required number of ASMSU Senators to be cosponsors. If no Senator is interested in being the sponsor, Students are encouraged to submit legislation through the Student Ballot Initiative process, as described in section IV-iii.
**Student Ballot Initiative**

Students may propose resolutions and enact ASMSU Constitutional and Bylaw amendments by initiative petition on all matters pertaining to ASMSU and the Student body. These petitions must contain the full text of the proposed amendment or resolution and be signed by at least four percent of the Student body. All initiative petitions must be filed with the ASMSU Senate Speaker, who will work with the ASMSU Chief Justice to verify the above requirements have been met. Initiative petitions must be filed at least 30 days prior to the earliest general election. Upon verification, the initiative petition will be voted on by the Student body during the general election.

**Referendum**

Students may approve or reject any bill or resolution of ASMSU by referendum, with the exception of monetary appropriations. A referendum may be ordered either upon a majority vote of the ASMSU Senate or upon a petition signed by at least four percent of the Student body. Referendum petitions must contain the full text of the bill or resolution and be filed with and approved by the ASMSU Senate Speaker no later than three months after the bill or resolution was passed or failed by the ASMSU Senate.

**Recall ASMSU Officials**

Students have the power to recall any ASMSU Official. A petition for recall must name the Official whose removal is requested and be signed by at least five percent of the Student body. This petition must be submitted to the ASMSU Chief Justice, who will verify the above requirements have been met. A special 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 remove the Official in question.
V. ASMSU OFFICIALS

General

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

Qualifications

Every ASMSU member, as defined in article three, shall be eligible and qualified to seek election or appointment as an ASMSU Official, so long as the member is in good academic standing and meets the requirements set forth in the ASMSU Constitution and Bylaws. No person shall hold or be a candidate for more than one ASMSU elected position at the same time.

Assuming Duty

No incoming elected ASMSU Official shall assume official duties until installed. No appointed ASMSU Official shall assume official duties until the ASMSU Senate has confirmed the appointment by a majority vote. All outgoing ASMSU Officials shall work to ensure an orderly transition to official duties.

VI. PRESIDENT

Election

There shall be an ASMSU President elected on a joint ticket with the ASMSU Vice President. They shall serve a term of one year, or until their successors are elected and qualified.

Duties

The ASMSU President shall:

(a) Uphold the ASMSU Constitution and Bylaws;
(b) Serve as the official representative of ASMSU and 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

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 has the option to override the ASMSU President's veto as described in section IX-iii.

Vacancy

In the event of the vacancy of the office of the ASMSU President, the ASMSU Vice President shall assume the office and duties of the ASMSU President in addition to their duties as ASMSU Vice President for the remainder of the original term or until successors are elected and qualified.

Limited Term

No person shall hold the office of the ASMSU President for more than two terms.
VII. VICE PRESIDENT

Election  

There shall be an ASMSU Vice President elected by MSU-Bozeman students as outlined in section VI-i.

Duties

The ASMSU Vice President shall:

(a) Uphold the ASMSU Constitution and Bylaws;
(b) Act as the official representative of ASMSU and 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 any ASMSU committees, boards, and taskforces;
(d) Fulfill the duties set forth by the ASMSU Bylaws;
(e) Fulfill duties as delegated by the ASMSU President.

Vacancy

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

Limited Term

No person shall hold the office of ASMSU Vice President for more than two terms.
VIII. BUSINESS MANAGER

Appointment

There shall be an ASMSU Business Manager appointed by the ASMSU President, subject to confirmation by a majority vote of the ASMSU Senate. The ASMSU Business Manager shall serve a term of one year, or until their successor is appointed and confirmed.

Duties

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

Appointment

In the event of the vacancy of the position of ASMSU Business Manager, the position shall be filled as described in section VIII-i. The appointed ASMSU Business Manager shall serve for the remainder of the original term or until their successor is appointed and confirmed.

IX. ASMSU SENATE

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

Election

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

Duties

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

Legislative powers of ASMSU shall be vested in the ASMSU Senate. Only the ASMSU Senate has the power to create or remove 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 two-thirds majority vote at the next regularly scheduled meeting following the announcement of the veto.

Voting Members

The voting membership of the ASMSU Senate is to consist of twenty voting ASMSU Senators. Each voting 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.

Vacancy

In the event of the vacancy of an ASMSU Senate position, it shall be filled by appointment from the ASMSU membership. 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 vacant position will be appointed individually.

X. SENATE SPEAKER

Appointment

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

Duties

The ASMSU Senate Speaker shall:

(a) Chair meetings of the ASMSU Senate and the ASMSU Senate Judiciary Committee;
(b) Fulfill the duties set forth by the ASMSU Bylaws.
**Vacancy**

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

**XI. SENATE SPEAKER PRO TEMPORE**

**Appointment**

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

**Duties**

The ASMSU Senate Speaker Pro Tempore shall:

(a) Chair the ASMSU Finance Board and Registered Student Organization Funding Board;

(b) Fulfill duties set forth by the ASMSU Bylaws;

(c) Assume the responsibilities of the ASMSU Senate Speaker in their absence.

**Vacancy**

In the event of the vacancy of the office of ASMSU Senate Speaker Pro Tempore, the position shall be filled as described in section XI-i.

**XII. SENATE JUDICIARY COMMITTEE**

**Appointment**

There shall be a Senate Judiciary Committee made up of three ASMSU Senators appointed by a majority vote of the ASMSU Senate. The ASMSU Senate Speaker shall chair the meetings and vote only to break ties.

**Duties**

The ASMSU Senate Judiciary Committee shall:

(a) Review and submit updates to the ASMSU Constitution and Bylaws as needed.

(b) Fulfill the duties set forth by the ASMSU Bylaws.
Vacancy

In the event of the vacancy of an ASMSU Senate Judiciary Committee member, it shall be filled as described in section XII-i.

XIII. SENATE MEETINGS

Regular Meetings

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

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. Students may request a special meeting by petition as described in Section IV-i.

Conduct of Meetings

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

Senate Records

Voting records and minutes of ASMSU Senate meetings shall be open to the public. These records shall be made available within three working days following the meeting.

Quorum

The quorum for ASMSU Senate meetings shall be a majority of the ASMSU Senate voting members. For ASMSU Senate meetings considering the impeachment and removal of an ASMSU Official, as described in section XVI-ii, the quorum shall instead be a three-fourths majority of the ASMSU Senate voting membership.
Voting
XIII-vi

All votes shall be made only by the voting members in attendance at the time of the vote.

XIV. ASMSU SUPREME COURT

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

Appointment
XIV-i

The ASMSU Supreme Court shall be composed of ASMSU Justices appointed by the ASMSU President, and subject to confirmation by a two-thirds vote of the ASMSU Senate. The ASMSU Senate may increase the number of Justices of the ASMSU Supreme Court to be no greater than thirteen and decrease it to no fewer than five.

Duties
XIV-ii

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;
(d) Fulfill the duties set forth by the ASMSU Bylaws.

Powers
XIV-iii

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-iv

The voting membership of the ASMSU Supreme Court shall be comprised of a set number of ASMSU Justices outlined in the Bylaws. Each ASMSU Justice shall have one vote.

Vacancy
XIV-v

In the case of vacancy of an ASMSU Justice position, it will be filled as described in section
XIV-i.

**Term**  
Following appointment, an ASMSU Justice shall be permitted to serve as long as they meet the qualifications described in the ASMSU Bylaws and remain an ASMSU member, as defined in article III.

XV. **CHIEF JUSTICE**

**Appointment**  
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:**  
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, excluding those of the ASMSU Supreme Court;

(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, excluding those of the ASMSU Supreme Court.

(e) Fulfill the duties set forth in the ASMSU Bylaws.

XVI. **INSTALLATION AND REMOVAL**

**Installation**  
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.”
Impeachment and Removal

In addition to the Student power to recall ASMSU Officials described in section IV-v, the ASMSU Senate shall have right to remove any ASMSU Official. An ASMSU Official shall be removed from office if, at least one week following the passage of an impeachment resolution of the Official in question, two-thirds majority of the total voting membership of the ASMSU Senate votes to remove the Official.

XVII. FISCAL POLICY

General

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 or its campus partners.

Finance Board

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 and make budgetary recommendations in accordance with the Bylaws. ASMSU Finance Board members shall serve a term of one year, coinciding with the academic year.

Funded Organizations

For an organization to receive funds annually from ASMSU, the organization must be a recognized operation or campus partner of ASMSU.

Senate Fiscal Powers

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.

XVIII. ASMSU FUNDS

Operating Funds
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**

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**

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**

ASMSU shall have a Presidential Discretionary Fund consisting of a portion of the annual projected activity fee revenues, as defined in the ASMSU Bylaws. 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 at the end of the term of the ASMSU President.

**XIX. GOVERNING DOCUMENTS**

**General**

The ASMSU Constitution shall outline the general rules and operations of ASMSU. ASMSU Officials, duties, programs, and operations shall be further outlined in the ASMSU Bylaws. If the two documents are found to be in conflict, the ASMSU Constitution shall take precedence. It is the duty of the ASMSU Supreme Court, as outlined in section XIV-ii, to interpret these governing documents.

**Constitutional Amendments**

Amendments to the ASMSU Constitution may be proposed by a bill of the ASMSU Senate or by the Student ballot initiative and referendum processes described in sections IV-iii and
IV-iv, respectively. If passed by a majority vote of the ASMSU Senate and ratified by a majority of Student voters, the amendment shall be become part of the ASMSU Constitution effective immediately.

**Bylaw Amendment**

Amendments to the ASMSU Bylaws may be implemented by a bill passed by the ASMSU Senate or by the Student ballot initiative and referendum processes described in sections IV-iii and IV-iv, respectively.

**XX. 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. Resolutions require a majority vote of the ASMSU Senate to be passed.

**XXI. ELECTION**

All Students registered for one or more credit shall be permitted to vote in any ASMSU election.

**Campaign Finance**

Campaign spending limits shall exist. At no point in time shall the bylaws permit campaign spending greater than at no more than $1000 for executive teams and $200 for senate candidates. All sources of revenue; including but not limited to monetary donations, in kind donations, and coordinated campaign efforts; shall count towards these limits.