ASMSU 2023-B-01
Amendment to ASMSU Bylaw Article 1 & 2

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Vote Necessary: A majority

Sections: [01] [02]

Intent: To amend the first and second articles of the ASMSU Bylaws

Article 12. Officials

Section 12-1 General Provisions

A. Composition
   1. ASMSU elected officials shall include the President, Vice President and 21 Senators,
   2. Two of the Senators shall be appointed by the Senate to the Senate Speaker and Senate Speaker Pro Tempore positions.
   3. A Business manager, ASMSU Secretary, 75 Justices, of which one Chief Justice and one Chief Justice shall be appointed as defined in these Bylaws.

B. Qualifications
   1. All official positions shall be filled by ASMSU members as defined in the Constitution.

C. Impeachment and Removal
   1. The ASMSU Senate shall have the right of impeachment and removal of all ASMSU officials. Impeachment shall occur by means of a Resolution.
      (i) If the Resolution passes, there shall be an executive session of the ASMSU Senate with the official in question.
      (ii) A vote shall occur at least one week following the executive session and removal shall occur if two-thirds of the total voting membership of the ASMSU Senate so orders.

D. Length of Term
1. The President, Vice President, Business Manager, Senate Speaker, Senate Speaker Pro Tempore, Chief Justice, Senators, and ASMSU Secretary shall serve a one-year term.

2. Justices shall serve as long as they remain eligible ASMSU members as defined in the Constitution or until resignation. Justices shall serve until ineligible, as defined in the Constitution and Bylaws, or until resignation.

E. Duties

1. All officials shall:
   (i) Carry out the duties stated in the ASMSU Constitution and Bylaws;
   (ii) Ensure a smooth transition for successor officers;
   (iii) Delegate responsibility and authority as needed. All delegation of authority stated in the Constitution and Bylaws shall be announced at the next scheduled Senate meeting; and Delegate responsibility and authority as needed;
   (iv) State delegated authority, as outlined stated in the Constitution and Bylaws, in an accessible location for all ASMSU members; and Uphold the ASMSU mission statement, and serve with integrity and professionalism.

F. Multiple Positions

1. Officials shall not hold another position, paid or unpaid, in ASMSU.
2. The Senate may grant exceptions provided that the position is non-supervisory and non-policy making. Exceptions must be granted at the Senate meeting directly following election to Senate or hiring to another ASMSU position.

Section 12-2 Executive Branch

A. Composition

1. The Executive branch shall consist of the President, Vice President, and Business Manager.

B. Election

1. The President shall be elected on the same ticket as the Vice President and the Vice President shall be elected on the same ticket. They shall be elected in the spring election.

C. Installation and Term

1. The President and Vice President shall be installed and assume full official duties during the last Senate meeting of the spring semester.

D. Term Limits
1. A student shall be limited to a maximum of two terms as the President, and two terms as the Vice President.

E. Vacancy
1. If the President position becomes vacant, the Vice President shall serve in that position until the next general election.
2. If the Vice President position becomes vacant, the President shall appoint a Vice President, subject to majority confirmation by Senate, to serve until the next general election.
3. If both the President and Vice President positions become vacant, there shall be a special election.

Section 12-3 President

A. Duties
1. The President shall:
   (i) Enforce the ASMSU Constitution and Bylaws;
   (ii) Act as the ultimate supervisory authority of the Executive Branch;
   (iii) Appoint student members to all MSU Committees;
   (iv) Serve as a non-voting ex officio member on all ASMSU boards, committees, and councils as needed;
   (v) Attend all meetings of the Senate unless required to be elsewhere in an official capacity;
   (vi) Participate in an ASMSU summer internship;
   (vii) Recommend legislation to the Senate as deemed to be in the best interests of ASMSU;
   (viii) Preside over ASMSU personnel matters in consultation with the Director of Operations;
   (ix) Prepare, submit and present Executive Budget Recommendations to the Finance Board and Senate;
   (x) Serve as a member of the MSU Budget Council, University Council, President’s Executive Council, the Museum of the Rockies Board of Trustees, and the Montana Associated Students of Montana State University Leaders (ASGLMAS);
   (xi) Provide clear expectations for ASMSU staff;
   (xii) Prepare and administer the Administration budget in conjunction with the Director of Operations;
   (xiii) Chair the SUB Advisory Board;
   (xiv) Serve as a member of the Administrative Council;
(xii) Shall have the power to veto or sign all bills passed by the Senate. Address all bills passed by Senate, by either signing them into these Bylaws or vetoing them; and,

(xiii) Act as the hiring and firing authority over all student-employed positions, with the exception of the Business Manager, who shall be hired as outlined in these bylaws and removed only through impeachment; and,

(xiv) Install newly confirmed justices.

Section 12-4 Vice President

A. Duties

1. The Vice President shall:
   (i) Carry out those duties delegated by the President;
   (ii) Serve as a member of the Administrative Council;
   (iii) Serve as a member of the PACE Board/ASMSU Events Board;
   (iv) Recommend legislation to the Senate as deemed to be in the best interests of ASMSU;
   (v) Attend all meetings of the Senate unless required to be elsewhere in an official capacity;
   (vi) Facilitate meetings of ASMSU Program staff;
   (vii) Oversee the day-to-day operations of all Student Programs, ensuring the accountability and success of each program; and
   (viii) Serve as the supervisory authority of student program directors, providing training, assistance, and guidance as necessary.

Section 12-5 Business Manager

A. Appointment

1. The President-elect shall select the Business Manager in consultation with the Director of Operations and Vice President-elect.

2. The President-elect shall appoint a single candidate to the incoming Senate for confirmation at their first meeting in the Spring Semester.

B. Term

1. The Business Manager shall be selected/appointed no later than the first meeting of the incoming Senate in the spring semester.

2. Business Manager shall train with the outgoing Business Manager and Operations Manager following confirmation, and prior to the end of the academic year, the Business Manager shall train with the outgoing Business Manager and Operations Manager.
3. The term of the Business Manager shall begin immediately following majority confirmation by the incoming Senate at their first meeting in the spring Semester and terminate upon the swearing-in of the next Senate.

4. If the position becomes vacant before the end of the term, the position shall be advertised for a minimum of ten academic days, after which period appointment shall proceed in the same manner as outlined in these Bylaws.

C. Duties

1. The Business Manager shall:

   (i) Coordinate and facilitate the annual budgeting process in conjunction with the Director of Operations;
   (ii) Assist the President in preparing the Administration budget;
   (iii) Assist all programs funded by the Student Activity fee in preparing their budgets;
   (iv) Provide financial and budgetary training to student officials and student program directors;
   (v) Devise and coordinate fiscal accountability and reporting procedures with the Operations Manager;
   (vi) Fulfill duties as delegated by the President and Operations Manager;
   (vii) Track actual worked hours for ASMSU stipendiary positions;
   (viii) Attend all meetings of the Senate unless required to be elsewhere in an official capacity;
   (ix) Provide quarterly financial reports to the Senate and be prepared to provide financial information at all meetings;
   (x) Collect an inventory of all ASMSU Student and Classified Programs annually;
   (xi) Conduct an informal audit of all Student Activity Fee-funded accounts monthly to ensure correctness;
   (xii) Ensure that ASMSU’s operating, and reserve accounts are managed properly;
   (xiii) Attend all Finance Board meetings;
   (i) Serve as a member of the Administrative Council;
   (ii) Oversee the financial operations and fiscal accountability of all Student Programs, and meet with all directors regularly;
   (iii) Perform weekly deposits; and,
   (iv) Serve as an ex-officio non-voting member on the Budget Oversight Committee.

Section 12-6 Legislative Branch

A. Composition
1. The Legislative branch of ASMSU shall be composed of 21 Senators, from which a Senate Speaker and Senate Speaker Pro Tempore shall be appointed.

Section 12-7 Senate Leadership

A. Composition

1. Senate Leadership shall consist of the Senate Speaker and the Senate Speaker Pro Tempore.

B. Appointment and Term

1. Senate Leadership shall be appointed by a ballot vote of the ASMSU Senate. The appointment shall be decided by a majority vote of the ASMSU Senate.
2. Senate Leadership shall be appointed at the meeting during which the Senate is sworn in following the election and serve a one-year term.
3. There is no limit to the number of terms a Senator may serve as the Senate Speaker or Senate Speaker Pro Tempore.

C. Vacancy

1. If the Senate Speaker position becomes vacant, the Senate Speaker Pro Tempore shall assume the responsibilities of the Senate Speaker until a new Senate Speaker is appointed. The appointment of the new Senate Speaker shall occur at the next regularly scheduled Senate meeting.
2. If the Senate Speaker Pro Tempore position becomes vacant, the Senate Speaker shall assume the responsibilities of the Senate Speaker Pro Tempore until the next meeting of the Senate. The Senate shall appoint a new Senate Speaker Pro Tempore at the next regularly scheduled Senate meeting in the same manner as the original appointment.
3. If both the Senate Speaker and Senate Speaker Pro Tempore positions become vacant, the President shall appoint a Senate Speaker until the next Senate meeting, during which both positions shall be appointed.

Section 12-8 Senate Speaker

A. Duties

1. The Senate Speaker shall:
   (i) Preside over all Senate personnel matters, including senator vacancies;
   (ii) Ensure that all senators fulfill their duties as outlined in the Bylaws, are carrying out their duties, including office hours;
   (iii) Ensure the general fairness of Senate;
   (iv) Provide legislative assistance to senators;
   (v) Serve as the primary spokesperson for the Senate outside ASMSU;
   (vi) Coordinate efforts to maintain the Senate website;
   (vii) Update the Senate Handbook over the summer for the upcoming session;
(viii) Conduct a mandatory orientation session for all new senators before the first Senate meeting of the fall semester;
(ix) Appoint Senate liaisons to all ASMSU programs;
(x) Hold a minimum of 7 office hours during regular business hours and outside of meetings;
(xi) Convene and chair the Senate meetings in fairness and good faith, maintaining order, and enforcing decorum;
(xii) Chair the Senate Judiciary Committee;
(xiii) Establish the agenda for each Senate meeting;
(xiv) Integrate bills passed by Senate into the Bylaws;
(xv) Distribute resolutions passed by Senate to appropriate recipients;
(xvi) Maintain an archive of all Senate documents, including bills, resolutions, minutes, and senator contact information that may be accessed by all members of ASMSU;
(xvii) Notify all Senators of meetings and other relevant information;
(xviii) Update the ASMSU website to include the most current revisions of the Constitution and Bylaws, most current agendas, and all meeting minutes;
(xix) Serve as a member of the Administrative Council;
(xx) Prepare and deliver a weekly report to the Senate;
(xxi) Meet with each senator to discuss responsibilities and evaluate performance as needed;
(xxii) Conduct goal-setting sessions with senators during Senate orientation and continually as needed; and,
(xxiii) Chair the Budget Oversight Committee.

Section 12-9 Senate Speaker Pro Tempore

A. Duties
1. The Senate Speaker Pro Tempore shall:
   (i) Carry out those duties delegated by the Senate Speaker;
   (ii) Hold a minimum of 7 office hours during regular business hours and outside of meetings;
   (iii) Serve as a member of the Administrative Council;
   (iv) Attend all meetings of the Senate, and assist as needed in the coordination of Senate meetings;
   (v) Chair the Finance Board;
   (vi) Chair the Registered Student Organization Funding Board; and,
   (vii) Provide legislative assistance to senators as needed.
Section 12-10  Senators

A. Duties
   1. Senators shall:
      (i) Attend all Senate meetings. All absences, late arrivals, and early
          departures, and the reasons for them, shall be reported to the Senate
          Speaker. More than two unexcused absences shall result in removal
          from Senate;
      (ii) Serve on at least one MSU committee;
      (iii) Serve as liaison to at least one ASMSU programs. Senators shall
          provide a report at minimum once per month;
      (iv) Hold at least 2 office hours per week in the ASMSU office during the
          fall and spring semesters, between 8am and 5pm, to be available to
          work on ASMSU business;
      (v) Attend at least 1 hour of civic engagement per month within the
          Senator’s respective College or University at large;
      (vi) Attend a mandatory orientation session and retreats; and,
      (vii) Report regularly to the Senate with updates within their duties as a senator.

B. Election
   1. Senators shall be elected during the spring election.

C. Installation
   1. Senators shall be installed and assume full duties at the last Senate meeting
      in the spring semester.

D. Vacancy
   1. If a Senate seat becomes vacant before the installment of the elected
      senator, the candidate receiving the next highest vote shall be awarded the
      seat.
   2. If a Senate seat becomes vacant after the installment of the elected senator,
      the seat shall be filled following these rules:
      (i) The open position shall be advertised for 10 academic days. Advertising
          locations shall include, but not be limited to, the ASMSU website, the
          ASMSU office and the buildings occupied by the college of the vacant
          seat;
      (ii) Applicants shall submit a Senate appointment application;
      (iii) Consideration of the applicants shall occur at a regularly scheduled
          Senate meeting. Voting shall be conducted by ballot. The applicant
          with a simple majority shall be installed for the remainder of the
          term; and,
      (iv) If after the appointment process a seat remains open it shall remain
          open to the given college for an additional three academic days, after
          which the seat shall be opened as an At-Large seat until the next senate
is sworn into office. If that appointed senator vacates their At-Large seat within the same term, the seat will return to its original college.

Section 12-11 Senate ASMSU Secretary

A. Appointment
1. A selection committee for the ASMSU Secretary shall consist of:
   (i) The Senate Speaker;
   (ii) The President; and,
   (iii) The Chief Justice.
2. The Selection committee shall recommend one candidate to the President for nomination.
3. The ASMSU Secretary shall be nominated by the President and confirmed by a majority vote of the Senate.
4. If the ASMSU Secretary position becomes vacant, a new Secretary shall be appointed as described above.

B. Duties
1. The ASMSU Secretary shall:
   (i) Prepare and distribute meeting agendas for Senate, Administrative Council, and Supreme Court at the discretion of the Senate Speaker, President, and Chief Justice, respectively;
   (ii) Record and distribute minutes from meetings of the Senate, the Administrative Council, and the Supreme Court; and,
   (iii) Schedule and coordinate ASMSU retreats and trainings.

Section 12-12 Judicial Branch

A. Composition
1. The Supreme Court shall be comprised of seven Justices, from whom a Chief Justice shall be appointed.
2. The MSU Dean of Students, or designee, and an ASMSU Legal Services Attorney shall serve as non-voting, ex-officio members.

B. Qualifications
1. All Supreme Court positions shall be filled by ASMSU members as defined in the Constitution.

Section 12-13 Chief Justice

A. Appointment
1. The Chief Justice shall be appointed from among currently installed Justices by the President and confirmed by a majority vote of the Senate.
B. Term
1. The Chief Justice shall serve a one-year term coinciding with the academic year; and,
2. There is no limit to the number of terms a Justice may serve as Chief Justice.

C. Duties
1. The Chief Justice shall:
   (i) Fulfill all duties for each Supreme Court meeting;
   (ii) Establish the agenda for each Supreme Court meeting;
   (iii) Convene and chair all meetings of the Supreme Court, keeping fairness, maintaining order, and enforcing decorum;
   (iv) Hold five regular office hours per week during business hours at the ASMSU office, to be available to work on Judicial business;
   (v) Appoint Justices to MSU appeals boards as needed;
   (vi) In confidentiality, ensure all ASMSU officials are in compliance with eligibility requirements;
   (vii) Attend all meetings of the Senate unless required to be elsewhere in an official capacity;
   (viii) Serve as a non-voting, ex-officio member of the Administrative Council;
   (ix) Issue or delegate a Judicial Ruling Report when determined necessary; and,
   (x) Deliver a summary of the Judicial Ruling Report at the next scheduled Senate meeting; and,
   (xi) Install newly elected and appointed President and Vice-President officials, excluding Justices.

Section 12-14 Justices

A. Appointment
1. An appointment committee for each Justice position shall consist of:
   (i) One Senator designated by the Senate Speaker;
   (ii) The President; and,
   (iii) One Justice designated by the Chief Justice.
2. The appointment committee shall recommend applicants to the President for nomination;
3. In good faith, the President should diversify the composition of the Supreme Court to properly reflect the student body;
4. Justices shall be appointed following nomination by the President and confirmation by majority vote of the Senate;
5. Immediately following appointment, Justices shall be installed by the President and assume full duties; and,
6. The following rules apply to recess appointments:
   (i) When the Senate is out of session the President shall appoint Interim Justices in cases of vacancies;
   (ii) The appointment of Interim Justices and all associated acts must be confirmed or denied by the Senate once reconvened.
B. Vacancy
   1. If a Justice seat becomes vacated, the seat shall be filled by these rules:
      (i) The open position shall be well advertised for a period of 10 class days;
      (ii) Applicants shall submit a completed Supreme Court appointment application;
      (iii) Consideration of the applicants shall occur after the expiration of the advertising period by the President; and,
      (iv) The advertising period may be prolonged by the majority vote of the Administrative Council.

C. Term
   1. Once appointed, Justices shall retain their positions as long as they are an eligible ASMSU member, or until resignation; Justices shall serve until ineligible, as defined in the Constitution and Bylaws, or until resignation.

D. Duties
   1. Justices shall:
      (i) Fulfill all duties defined in the Constitution;
      (ii) Hold two office hours per week during business hours at the ASMSU office, to be available to work on Judicial business;
      (iii) Attend all Supreme Court meetings. All absences, late arrivals, early departures, and reasons for them, shall be reported to the Chief Justice. The Supreme Court reserves the right to appeal decisions of the Chief Justice. More than two unexcused absences shall result in automatic removal;
      (ii) Attend a mandatory orientation session and retreats; and,
      (iii) Serve on appeals boards as needed.

Article 23. Personnel

Section 23-1. MSU Compliance
   A. All matters of personnel within ASMSU shall be handled in compliance with MSU Personnel Policies and Procedures.

Section 23-2. Hiring
   A. General Provisions
      1. Each position shall have a written job description and written interview questions.
      2. Each position should be open and advertised for a minimum of 10 class days.
3. When considering applicants for hiring, ASMSU shall not discriminate against any person on the basis of age, sex, color, race, origin, creed, religion, disability, sexual orientation, gender expression or identity, or political philosophy.

B. Student Program Directors
1. A hiring committee for each student program director position shall consist of:
   (i) One Senate liaison to the program;
   (ii) The President or the Vice President; and,
   (iii) A classified or professional employee of ASMSU.
2. The hiring committee shall recommend an applicant to the President for final hiring selection.
3. Student program director positions must be opened and filled each year, even if there is an applicant who served in the position previously.
4. The hiring committee may choose the number of candidates to interview.
5. Advertising for the position shall be managed by the Office Manager.

C. Classified Program Directors
1. When there is a vacancy in a classified position, there shall be a hiring committee of 3-5 members to identify candidates.
2. The President or Vice President shall serve on this committee.
3. The hiring committee shall recommend 1-3 candidates to the President for final hiring.
4. The hiring committee shall follow the rules of hiring from the MSU Human Resources Department.

D. Program employees
All employees supervised by program directors or by a classified employee shall be hired directly by that director or employee.

Section 23-3 Hiring Authority
A. The hiring authority for each position makes the final decision on hiring and firing.
B. Hiring authorities for each position are as follows:
   1. ASMSU President:
      (i) Position: Student and classified program directors, Hiring Authority: ASMSU President
   2. Respective Program Manager:
      (i) Position: Program employees, Hiring Authority: Respective program director
   C. All hiring and termination decisions must follow MSU Personnel Policies and Procedures.

Section 23-4 Advertising
A. Student program director positions shall be advertised for at least 10 academic days.
B. Advertising for classified employees shall be conducted in accordance with MSU Human Resources Department rules.