

Constitution of the Associated Students of Santa Clara University (ASSCU)

Preamble:

We, the undergraduate students of Santa Clara University, in order to protect our inherent rights and interests, to establish a representative instrument for the expression of the student opinion, to involve students in a productive partnership in governance of the University, to promote the internal welfare and unity of the student community, to further the goals of our Jesuit University, and to respond to the challenges of our society, do ordain and establish this Constitution for the Undergraduate Student Government of Santa Clara University.

ARTICLE I NAME AND MEMBERSHIP

SECTION I:

The name of the Association under this constitution shall be the "Associated Students of Santa Clara University " or "ASSCU".

SECTION II:

All registered students in the undergraduate schools and colleges of Santa Clara University shall be members of this Association.

SECTION III:

In this Constitution, when "this Association" is written, it shall refer to all members of this Association (as defined above). When the acronym "ASSCU" is written, it shall refer to all officers (meaning all elected and appointed student officers) of the Associated Students of Santa Clara University and/or to the official documents of this Association.

SECTION IV:

All ASSCU officers (both elected and appointed student officers) shall meet Santa Clara University's Eligibility for Participation in Student Activities Policy.

ARTICLE II THE EXECUTIVE

SECTION I: The officers of the Executive Branch shall be the undergraduate Student Body President (herein after Student Body President), the members of the Executive Cabinet and the Class Officers.

- a. The terms of the Executive officers shall extend until the end of Spring Quarter. The Student Body President shall be a Junior or Senior for the entire term of office.
- b. The order of succession to the Presidency shall be: Student Body Vice-President, and Chair of the Student Senate. If the named positions cannot assume the office of the President, the Advisory Board shall nominate from among the officers of ASSCU a qualified person to fill the position. A 2/3 vote by Student Senate shall confirm the Advisory Board's nomination. If the nominated officer is not confirmed by Senate, the Advisory Board shall nominate another officer until a 2/3 confirmation vote is attained by the Student Senate.
- c. Vacancies after initial appointment in any Executive office, other than that of the Student Body President, shall be filled by 2/3 vote of the total membership of the Student Senate.

SECTION II: The Student Body President shall:

- a. Dutifully execute the laws contained within this constitution and its attached appendices, and the ASSCU Bylaws.

- b. Fulfill all functions of the Student Body President of ASSCU as outlined in the Student Body President Job Description.
- c. Be an active member of the Executive Cabinet and the Advisory Board.
- d. Be a liaison between ASSCU and other campus departments and organizations, and serve as the primary official representative of ASSCU.

SECTION III: The Executive Cabinet shall:

- a. Be responsible to the Student Body President for the execution of their duties.
- b. Consist of the Student Body President, Student Body Vice President, and Vice Presidents of Organizational Development, Finance, and Student Involvement.
- c. Be responsible for the operational and administrative aspects of the ASSCU Executive Branch.

SECTION IV: The Advisory Board shall:

- a. Be composed of the Executive Cabinet, the Chair of the Student Senate, and the Chief Justice of the Judicial Branch.
- b. Be responsible for the overall implementation of the vision of ASSCU.
- c. Assess the state of the undergraduate students and, after discussing the issues facing them, decide on a course of action that will cater to the needs of the undergraduate students.
- d. Provide services and resources for enhancing student life and community involvement.
- e. Have a minimum of eight (8) meetings per quarter. The President shall have the power to call and convene these meetings.
- f. Facilitate open communication between Legislative, Executive, and Judicial Branches.

SECTION V: The Student Body Vice President shall:

- a. Be an active member of the Executive Cabinet and the Advisory Board.
- b. Be responsible for the execution of his/her duties as outlined in the Student Body Vice President Job Description.

SECTION VI: The Financial Vice President shall:

- a. Be an active member of the Executive Cabinet and the Advisory Board.
- b. Be responsible for the execution of his/her duties as outlined in the Financial Vice President Job Description.

SECTION VII: The Organizational Development Vice President shall:

- a. Be an active member of the Executive Cabinet and the Advisory Board.
- b. Be responsible for the execution of his/her duties as outlined in the Organizational Development Vice President Job Description.

SECTION VIII: The Student Involvement Vice President shall:

- a. Be an active member of the Executive Cabinet and the Advisory Board.
- b. Be responsible for the execution of his/her duties as outlined in the Student Involvement Vice President Job Description.

SECTION X: The Class Officers shall:

- a. Be responsible to the Student Involvement Vice-President, who is then responsible to the Student Body President for the execution of his/her Class Officer duties, as outlined in each position's Job Description.
- b. Consist of one member from each class.
- c. Have a minimum of seven (7) meetings per quarter (in which all Class Officers are in attendance). The Student Involvement Vice-President shall have the power to call and convene these meetings.

ARTICLE III THE LEGISLATIVE

SECTION I: The Legislative body of ASSCU shall be the Student Senate.

- a. Membership of the Student Senate shall be composed of five (5) representatives elected from each class of academic standing, the Chair of the Student Senate, and the Chair Pro-Tempore. The total Student Senate membership shall be twenty-two.
- b. The date of the conclusion of the term of office of all ASSCU Senators shall be determined by the outgoing Chair of the Student Senate, provided that the incoming Senators hold at least one meeting before the academic year ends.
- c. If for any reason the Chair of the Student Senate vacates his/her position, the Chair Pro-Tempore will assume the role of Chair of the Senate.
- d. Each Senator shall be responsible for the execution of his/her Senatorial duties, as outlined in the Senator Job Description.
- e. No member of the Student Senate shall also be an Executive or Judicial Branch officer.
- f. Attendance at all Student Senate meetings shall include the Senate Parliamentarian, which shall be a senator appointed by the Chair of Student Senate to be the Parliamentarian. If for any reason the Parliamentarian is unable to attend any Senate meeting, the Senate Chair must appoint another Senator to fill the role of Parliamentarian for that Senate meeting. The Parliamentarian shall be responsible for keeping the operations of the Student Senate in accordance with the ASSCU Constitution and Bylaws.

SECTION II: The Student Senate as a body shall have the power to:

- a. Introduce and pass legislation.
- b. Grant, withhold, or rescind club recognition and/or funding, according to guidelines established in the ASSCU bylaws, of any student organization that seeks ASSCU registration and/or funding or connects its name with that of the ASSCU in any way.
- c. Review, amend, and approve the budgets of ASSCU.
- d. Override the veto of the Student Body President by a two-thirds vote of the total membership of the Student Senate.
- e. Approve or deny all Presidential and Senate Chair appointments with a simple majority of a quorum.
- f. Initiate, pass, and repeal by-laws, rules, and regulations which it judges necessary to facilitate the operation of this constitution. A two-thirds vote is required for these actions.

SECTION III: The Chair of the Student Senate shall:

- a. Be an active member of the Advisory Board.

- b. Be responsible for the execution of his/her duties as outlined in the Chair of the Student Senate Job Description.
- c. Appoint the Chairs of the Senate Standing Committees, the Parliamentarian, and the Chair Pro-Tempore of the Student Senate, subject to a majority ratification of a quorum of the Student Senate.
- d. Have such other powers as are necessary for the operation of the Student Senate consistent with the other provisions of this constitution. This includes the power to introduce legislation and to appoint at-large members of a Student Senate committee.
- e. Have had one-year's previous Senate experience.

SECTION IV: No act of the Student Senate shall be valid unless there is a simple majority of the Student Senate's total membership (as defined in Article III, Section I, a.) present at the time of the meeting. A simple majority shall be considered a quorum.

SECTION V: The Student Senate shall meet at least seven (7) times each quarter.

SECTION VI: All Student Senate meetings, with the exception of Executive Sessions, shall be open to any individual who is a member of this Association. Any member of this Association may speak at any Student Senate meeting upon being recognized to speak by the Chair.

SECTION VII: The budgets of the Chartered Student Organizations shall be prepared before the end of Spring Quarter. The Student Senate shall make recommendations on the budget, amended or unamended, before the end of the Spring Quarter. A majority vote of the full Senate is required to make any budget recommendations.

ARTICLE IV THE JUDICIAL

SECTION I: The judicial power of ASSCU shall be vested in the Judicial Branch.

- a. This branch shall administer justice, promote responsibility, and safeguard the rights of students, always keeping within the policies and guidelines of the Constitution and Bylaws of ASSCU.
- b. The Judicial Branch shall consist of five (5) justices, one from each class of academic standing and the Chief Justice.
- c. The Chief Justice Pro-Tempore shall assume the duties of the Chief Justice in his/her absence. The Chief Justice Pro-Tempore shall be one of the class justices.
- d. The Student Body President, Student Body Vice President, and Senate Chair shall appoint the Chief Justice, who could then aid in the remaining justice appointments. The appointments must be approved by a majority of a quorum of the Senate.
- e. The Chief Justice and the Sophomore, Junior, and Senior Justices shall be appointed following the election of the ASSCU officers before the end of Spring Quarter.
- f. The Freshman Justice shall be appointed the following Fall Quarter by the end of the fifth week.
- g. The term of office of a Justice shall be one academic year.
- h. No member of the Judicial Branch shall also be an Executive Officer or member of the Student Senate.
- i. Each justice shall be responsible for the execution of his/her duties as outlined in the Justice Job Description.
- j. The Judicial Branch must have a minimum of 7 meetings per quarter. The Chief Justice shall have the power to call and convene these meetings.

SECTION II: The Judicial Branch shall have the power to assemble the Student Court, as the need arises.

- a. The Student Court officers shall be the same as those that compile the Judicial Branch.
- b. It shall be the function of the Student Court to hear and make determinations concerning all petitions and appeals arising from the action or lack of action of any branch, department, organization, or officer of ASSCU based on Constitutional or Bylaw violations. Any member of this Association may bring a case before the Court and the Court must hear all cases brought before it. Decisions of the court must be handed down within ten (10) working days of the receipt of the notice of grievance. Exceptions shall be only those deemed necessary by the Court; however, both the total number of days between the time the Court receives the grievance and the time it delivers its decision shall not exceed twenty (20) working days.
- c. The Student Court shall officially convene only when at least three (3) justices and the Chief Justice are present.
- d. The Student Court shall reach a determination by simple majority vote. All decisions of the Student Court shall be final.

SECTION III: The Chief Justice shall:

- a. Be an active member of the Advisory Board.
- b. Be responsible for the execution of his/her duties as outlined in the Chief Justice Job Description.

ARTICLE V ELECTIONS

SECTION I: All and only members of this Association (as defined in Article I, Section II of this Constitution) shall have the right to vote and hold office. Some restrictions (such as good academic and behavioral standing) apply to holding offices in ASSCU.

SECTION II: All general elections of ASSCU shall be carried out in accordance with the principle of equal vote.

SECTION III: All rules and regulations governing elections of ASSCU shall be established by the Student Senate, published in the ASSCU Election Code (Appendix 1 of this Constitution), and implemented by the Election Committee in accordance with the Constitution and Bylaws.

SECTION IV: All members of this Association shall be eligible to vote for the offices of Student Body President, Student Body Vice President, and Chair of the Student Senate. All other officers shall be elected by their respective class, with class standing being determined in fall quarter.

SECTION V: The election of the Student Body President, Student Body Vice President, Chair of the Student Senate, Sophomore, Junior, and Senior Senators shall be held each year before the end of the fifth week of the Spring Quarter. In the event of a successful challenge to the Student Court, an extension of this date is possible, but the elections shall be decided before the end of the academic year.

SECTION VI: Elections for Freshmen senators shall be held each year before the end of the fifth week of the Fall Quarter. In the event of a successful challenge to the Student Court, an extension of this date is possible, but the election shall be decided before the end of fall quarter.

ARTICLE VI STUDENT RIGHTS

SECTION I: Any action taken by ASSCU shall be subject to a referendum initiated by a signed petition of not less than ten (10) percent of the Association, requiring the Student Body President to call a special election to be held no less than ten (10) and no more than fifteen (15) working days after the presentation of the petition to the Chief Justice and the Election Committee Chair. Fifty percent plus one vote of those voting in the special election is needed for referendum.

SECTION II: The Student Body President, Student Body Vice President, and the Chair of the Student Senate shall be subject to recall. Not less than ten (10) percent of the student body is needed to initiate recall. The election is to be held no less than ten (10) and no more than fifteen (15) working days after the presentation of the petition to the Chief Justice. A two-thirds majority vote of those voting in the special election is needed for recall.

SECTION III: Any Executive Branch member shall be subject to removal from office for failure to perform his/her duties by the Judicial Branch. The Judicial Branch shall convene, hold a hearing, and make a recommendation to the Student Senate. A two-thirds majority vote of the full Senate in favor of the recommendation is required for removal from office.

SECTION V: Any member of the Judicial Branch may be subject to removal for failure to perform his/her duties by the Advisory Board. The Advisory Board shall hold a hearing and make a recommendation to the Student Senate. A two-thirds majority vote of the full Senate in favor of the recommendation is required for removal from office.

SECTION VI: Any member of the Student Senate shall be subject to removal from office for failure to perform his/her duties. Not less than ten (10) percent of his/her constituency is necessary to initiate recall. The recall election is to be held no less than ten (10) and no more than fifteen (15) working days after the presentation of the petition to the Chief Justice. A two-thirds majority vote of those voting in the special election is needed for recall. Student Senators are also subject to removal from office by the Senate Disciplinary Committee. The SDC shall hold a hearing and make a recommendation to the Student Senate. A two-thirds majority vote of the full Senate in favor of the recommendation is required for removal from office.

SECTION VII: Any Presidential Appointment not already covered in ARTICLE VI, SECTIONS I-VI of this Constitution shall be subject to removal from office for failure to perform his/her duties by the Judicial Branch. The Judicial Branch shall hold a hearing in the Student Court and make a recommendation to the Student Senate. A two-thirds majority vote of the full Senate in favor of the recommendation is required for removal from office.

SECTION VIII: No member of ASSCU shall be deprived of office, status, or property without due process of law. Nor shall any member be denied equal protection under the law.

SECTION IX: No member of this Association shall be twice put in jeopardy for the same offense.

ARTICLE VII AMENDMENT

SECTION I: The Student Body President shall call for a special election of this Association to be held not less than ten (10) and not more than fifteen (15) working days after the date of the first public posting.

SECTION II: A proposed amendment shall become effective immediately if it receives a 2/3 vote of those voting in a general election of this Association.

SECTION III: The Senate may amend the Constitution for non-substantive purposes to remove inconsistencies and ambiguity, achieve consistency with applicable law or policy and correct obsolete terms, names or titles. A two-thirds majority vote of the full Senate is required to make non-substantive changes.

ARTICLE VIII ENACTMENT

SECTION I: This Constitution shall supersede all previous Constitutions upon ratification of 2/3 of those voting in a general election. The Constitution of ASSCU was last enacted on the Twelfth day of April, 2005. Non-substantive changes were passed by Student Senate on the Twenty-Seventh of May, 2004.