

ASSOCIATED STUDENTS

Ratified November 11, 2021



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ASSOCIATED STUDENTS OF THE UNIVERSITY OF NEVADA RENO : 2021

Constitution of the Associated Students

PREAMBLE

WE, THE UNDERGRADUATE STUDENTS OF THE UNIVERSITY OF NEVADA, RENO, in order to form a more perfect association, advance our interests, set forth our duties, and provide for meaningful participation in the governance of our University, do hereby establish this Constitution for the Associated Students.

ARTICLE I—THE ASSOCIATION

SECTION 1.

This Association shall be known as the Associated Students of the University of Nevada, Reno, hereinafter referred to as the ASUN, the Associated Students, or the Association.

- (a) **MEMBERSHIP** — Membership in the Association is automatic for students registered for at least one undergraduate credit.
- (b) **QUALIFICATIONS TO HOLD OFFICE** — All members of the government of the Association, at the time of their election or appointment and throughout their terms, shall meet the general qualifications as follows:
 - (1) Maintain a minimum 2.00 cumulative grade point average.
 - (2) Be enrolled in at least seven undergraduate credits.
- (c) **ELECTION AND TERMS** — A general election shall be held on the Wednesday and Thursday on or preceding March 15 and those elected shall take office on the Wednesday closest to April 15.
- (d) **LIMITATION ON HOLDING OFFICE** — No person shall hold more than one office, elected or appointed, at any one time
- (e) **COMPENSATION** — The elected members of this government shall receive a compensation to be set by law. Any increase in compensation will take effect after the next intervening general election, which shall be subject to approval by a majority vote of the students voting in the election on that question.

SECTION 2. OATHS

- (a) The Senators and members of the executive and judiciary of this government, before entering into office, shall take an oath to support this Constitution

SECTION 3. FISCAL PROCEDURES

- (a) The ASUN shall follow System and University fiscal policies when expending student government fees collected by the Board of Regents and the revenue generated therefrom.

ARTICLE II—THE LEGISLATIVE BRANCH

SECTION 1.

The legislative power of the Association shall be vested in a Senate of the Associated Students.

- (a) **COMPOSITION AND TERM** — The Senate shall be composed of the Speaker and not more than twenty-five Senators, who shall be elected to a term of one year.
- (b) **APPORTIONMENT OF SEATS** — Each college and school shall have at least one seat. Thereafter, the seats shall be apportioned among the colleges and schools proportionally according to their respective enrollment numbers. The apportionment and number shall be set by law every two years.
- (c) **QUALIFICATIONS** — No person shall be eligible to be elected to the Senate who is not a member of the college or school from which that person is elected.
- (d) **VACANCIES** — When vacancies occur in the Senate, those seats shall be filled as the Senate by law provides. When one-third of the Senate is vacant, the Senate shall fill such vacancies by special election, to be held as the Senate by law provides.
- (e) **OFFICERS** — The Senate shall choose its Speaker and other officers.
- (f) **APPOINTMENT AFTER ELECTION OF SPEAKER** — After the election of the Speaker by the Senate, the first runner-up of the Speaker's college or school of which they were elected shall be appointed to the Senate at the meeting following the election of the Speaker. If there was no runner-up from the college of which the Speaker was elected, the Senate shall fill the vacancy as the Senate by law provides to fill any other vacancy of the Senate.

SECTION 2. PROCEDURE

- (a) The Senate shall be the judge of the elections, returns and qualifications of its own members.
- (b) **QUORUM** — A quorum to do business is two-thirds of the membership.
- (c) **RULES AND DISCIPLINE** — The Senate may determine the rules of its proceedings and punish its members for disorderly or inappropriate behavior as it sees fit. In the instance of expulsion, the concurrence of two-thirds of the Senators present is required.

SECTION 3. POWERS, DUTIES AND LIMITATIONS OF THE SENATE

- (a) The Senate shall have the following powers and duties:
 - (1) To make all laws and regulations necessary and proper for the ASUN.

- (2) To set a budget for the ASUN, but no money shall be spent from the treasury without appropriations made by law; a regular statement and account of receipts and expenditures of all public money shall be published annually at a minimum.
- (3) To establish a policy with respect to the recognition of student organizations.
- (b) The Senate shall not do the following:
 - (1) Rescind contracts, once signed.
 - (2) Disapprove the salaries and contracts of classified and professional staff.
 - (3) Create laws that presume binding authority beyond the jurisdiction of the Associated Students.

SECTION 4. LEGISLATION

- (a) **PRESENTMENT TO PRESIDENT** — Every bill which shall have passed the Senate shall, before it becomes a law, be presented to the President of the Associated Students.
- (b) **APPROVAL; VETO** — If the President approves the bill, he or she shall sign it. If not, he or she shall return it, with his or her objections, to the Senate, who shall enter the objections in their records, and proceed to reconsider it.
- (c) **RECONSIDERATION** — If, after reconsideration, two-thirds of the Senators present agree to pass the bill, it shall become a law.
- (d) **TIME LIMIT ON VETO** — If any bill shall not be returned by the President within five working days after it shall have been presented to him or her, the same shall be a law, as if he or she had signed it, unless the Senate by their adjournment prevent its return, in which case it shall not be a law.
- (e) **LINE ITEM VETO; RECONSIDERATION** — The President may reduce or eliminate one or more items of appropriation while approving other portions of a bill. The President shall append to the bill a statement of the items reduced or eliminated with the reasons for the action. The President shall transmit to the Senate a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the President's veto in the same manner as bills.

SECTION 5. IMPEACHMENTS

- (a) The Senate shall have the power of impeachment.
- (b) The Senate shall have the power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. The Chief Justice shall preside over impeachments of executive officers. The Vice President shall preside over impeachments of judicial officers. No person shall be convicted without the concurrence of two-thirds of the Senators present.

- (c) Judgment in cases of impeachment shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under the Associated Students.

ARTICLE III—THE EXECUTIVE BRANCH

SECTION 1.

The executive power of the Association shall be vested in a President of the Associated Students, who shall be elected for a term of one year. A Vice President shall be elected to serve for the same term.

(a) ELIGIBILITY

- (1) No person shall be eligible to be elected to the office of President who has not completed 60 undergraduate credits and been a member of the Association for two consecutive semesters.
- (2) No person shall be eligible for the office of the Vice President who has not completed 45 undergraduate credits and been a member of the Association for two consecutive semesters.

(b) ELECTION — The President and Vice President shall be elected by a majority of the students voting in the election.

(c) VACANCY

- (1) Whenever the office of President becomes vacant, the Vice President shall become President. The Senate shall establish the further lawful succession order.
- (2) Whenever there is no Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a two-thirds vote of the Senate.

(d) DECLARATION OF DISABILITY BY PRESIDENT — The President may transmit to the Speaker of the Senate a written declaration that he or she is unable to perform the powers and duties of the office. Until the President transmits a written declaration to the contrary, such powers and duties shall be executed by the Vice President as Acting President.

(e) COMPENSATION — The President's compensation shall not be increased or decreased during their term.

(f) OATH OF OFFICE — Before entering into office, the President shall take the following oath or affirmation: "I, AB, do solemnly swear (or affirm) that I will faithfully execute the office of President, and will, to the best of my ability, preserve and protect the Constitution of the Associated Students of the University of Nevada."

SECTION 2. POWERS AND DUTIES OF THE PRESIDENT

- (a) The President shall have the power to enter into agreements on behalf of the Associated Students as the Senate may by law provide.
- (b) The President shall nominate and appoint, provided two-thirds of the Senators present concur, justices of the Judicial Council and all other officers of the Associated Students, whose appointments shall be established by law, but the Senate may by law vest the appointment of such inferior officers in the President alone, in the Judicial Council, or in the heads of departments.

- (c) The President shall fill vacancies that occur during the recess of the Senate by granting commissions which shall expire once the Senate reconvenes.
- (d) The President shall give to the Senate information of the state of the Association, and recommend to their consideration such measures as he or she shall judge necessary and expedient.
- (e) The President shall submit a proposed budget to the Senate.
- (f) The President may convene the Senate on extraordinary occasions.
- (g) The President shall take care that the laws be faithfully executed.

SECTION 3. POWERS AND DUTIES OF THE VICE PRESIDENT

- (a) The Vice President shall be charged with fulfilling those duties assigned to him or her by the President or the Senate of the Associated Students.

SECTION 4. REMOVAL FROM OFFICE

- (a) The President, Vice President and all other executive officers of the Associated Students shall be removed from office on impeachment for, and conviction of, malfeasance, failure to discharge the powers and duties of office.ⁱ

ARTICLE IV—THE JUDICIAL BRANCH

SECTION 1.

The judicial authority of the Association shall rest with a Judicial Council of the Associated Students.

- (a) **COMPOSITION AND TERM** — The Council shall consist of a Chief Justice of the Associated Students and four associate justices, who shall serve terms of two years.
- (b) **QUALIFICATIONS** — No person shall be appointed a justice who has not completed 60 undergraduate credits and been a member of the Association for two consecutive semesters.
- (c) **REQUIREMENT OF GOOD STANDING** — A justice may not continue to serve in office who is not in good disciplinary standing with the University.
- (d) **COMPENSATION** — Justices shall receive a compensation for their services, which shall not be decreased during their continuation in office.

SECTION 2. POWERS AND DUTIES OF THE COUNCIL

- (a) The judicial power shall extend to —
 - (1) all cases which shall arise under this Constitution and the laws of the Associated Students; and
 - (2) controversies among members of the Association.
- (b) The Council shall adjudicate all cases where the constitutionality of an act of the Senate, the President of the Association, or any member of the Association is called into question.
- (c) The Council shall have the authority to interpret acts of the Senate.
- (d) The Council shall have the authority to direct the reapportionment of the Senate when that body fails to do so.

SECTION 3. PROCEDURE

- (a) **QUORUM.**—The quorum of the Council to conduct business is a majority of the membership.
- (b) **DECISIONS.**—The concurrence of three justices is required to issue any decision of the Council.
- (c) The Senate may by law establish such rules and procedures necessary for the operation of the Council, but may delegate such rulemaking authority to the Council.
- (d) **UNIVERSITY DISCIPLINARY PROCEEDINGS.**—The Council shall follow the applicable provisions of the Nevada System of Higher Education Code with respect to University disciplinary proceedings.

SECTION 4. REMOVAL FROM OFFICE

- (a) The justices shall be removed from office on impeachment for, and conviction of, malfeasance, failure to discharge the powers and duties of officeⁱⁱ.

ARTICLE V—AMENDMENT, RECALL, INITIATIVE AND REFERENDA

SECTION 1. AMENDMENT

- (a) The Senate, whenever two-thirds shall deem it necessary, shall propose amendments to this Constitution, or, on the petition of 10 percent of the membership of the Association, shall place an amendment on the ballot.
- (b) In either case, an amendment shall be valid as part of this Constitution when ratified by two-thirds of the students voting on the question in an election and when assented to by the Board of Regents of the Nevada System of Higher Education.

SECTION 2. RECALL ELECTIONS

- (a) All elected members of this government are subject to recall from office by election, but no person shall be recalled from office without first serving two months. This includes elected vacancies appointed by the Senate.
- (b) PROCEDURES —
 - (1) A petition to order a recall election can be signed by any of the constituents of the officer or senator at the time of the recall. The number of signatures required is half the number of students who voted in the previous election of the officer or senator to order a recall election.
 - (2) If the petition qualifies, a special election shall be held within three weeks.
 - (3) The concurrence of a majority of the students voting in the election shall be required to recall an officer or senator.
 - (4) A vacancy created by recall shall be filled by special election within two weeks of the recall.

SECTION 3. INITIATIVE

- (a) Any item of enactment may be put to a vote of the students by petition. No measure repealing a prior action shall be done by initiative.
- (b) PROCEDURES —
 - (1) A petition of half of the number of the students who turned out to the polls at the general election shall be required to place an item of enactment on the ballot.
 - (2) A measure that qualifies shall be placed before the students in the next general election.
 - (3) A majority of the students voting on the question shall be required for its adoption.

SECTION 4. REFERENDA

- (a) A referendum shall be used to repeal any item of enactment of the Senate.
- (b) PROCEDURES —

- (1) A petition of half of the number of the students who turned out to the polls at the general election shall be required to place an item of enactment on the ballot.
- (2) A measure that qualifies shall be placed before the students in the next general election.
- (3) A majority of the students voting on the question shall be required for its adoption.

ARTICLE VI—IMPLEMENTATION

SECTION 1.

This Constitution, upon its approval by the Associated Students, in general election, and the Board of Regents of the Nevada System of Higher Education, shall supersede the current constitution with all its amendments.

[Ratified in the General Election, March 14-15, 2007.]

[Approved by Board of Regents, August 16, 2007.]

[The notes contained below are not a part of the Constitution of the Associated Students, and should not be regarded as such. They are provided as a service to the reader for editorial clarity.]

ⁱ On June 21, 2007, legal counsel to the University requested that certain language in this section be deleted. The section as proposed by the Senate and approved by the Association in general election was in the following words and figures, to wit: “(a) The President, Vice President and all other executive officers of the Associated Students shall be removed from office on impeachment for, and conviction of, malfeasance, failure to discharge the powers and duties of office, or other offenses.” *See* Letter, “Re: Amendments to ASUN Constitution,” Mary Dugan to Sandy Rodriguez, dated June 21, 2007. The President of the Association ordered that the language be deleted. *See* Memorandum of the President to the Senate, dated June 22, 2007. The Regents subsequently agreed to the document as modified. On June 21, 2007, legal counsel to the University requested that certain language in this section be deleted. The section as proposed by the Senate and approved by the Association in general election was in the following words and figures, to wit: “(a) The President, Vice President and all other executive officers of the Associated Students shall be removed from office on impeachment for, and conviction of, malfeasance, failure to discharge the powers and duties of office, or other offenses.” *See* Letter, “Re: Amendments to ASUN Constitution,” Mary Dugan to Sandy Rodriguez, dated June 21, 2007. The President of the Association ordered that the language be deleted. *See* Memorandum of the President to the Senate, dated June 22, 2007. The Regents subsequently agreed to the document as modified.

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Article I., Section b.1., amended to strike out, “2.75” AND insert “2.00”. Approved by Dr. Melody Rose, NSHE Chancellor, November 11, 2021.

Article V., Section 2.a., amended to insert, “*This includes elected vacancies appointed by the Senate.*” Approved by Dr. Melody Rose, NSHE Chancellor, November 11, 2021.

Article V., Section 2.b.1., amended to strike out, "*A petition of half of the number of students who voted in the previous election of the officer or senator to be recalled is required to order a recall election*" AND insert, "*A petition to order a recall election can be signed by any of the constituents of the officer or senator at the time of the recall. The number of signatures required is half the number of students who voted in the previous election of the officer or senator to order a recall election.*" Approved by Dr. Melody Rose, NSHE Chancellor, November 11, 2021.