

Associated Students of the University of the Pacific

Constitution

Ratified by the Student Body on March 24th, 2017

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Preamble

We the students of the University of the Pacific, establish this constitution of the Associated Students in order to promote and expand the rights, privileges, and educational opportunities of the students. This constitution shall serve as a guide to the Associated Students as it fulfills its obligation to advocate for students. Above all, this constitution, by the nature of its adoption, shall serve as a lasting reminder that the power of the students shall be retained by the students.

Article I - Name and Purpose

Section 1. Name

This body shall be known as the Associated Students of the University of the Pacific (ASuop).

Section 2. Purpose

The purpose of the ASuop is to serve students; to increase student involvement; to serve as an official channel for the free exchange of ideas and opinions among students, faculty, staff, and the administration; and to provide services and student activities across campus in order to enrich the social, cultural, and educational aspects of University life.

Article II - Membership

All undergraduate, graduate, and professional students, who have paid the student body fee, shall be considered members of the ASuop and shall be guaranteed all rights and privileges afforded thereof.

Any person may be nominated by the ASuop President or Senate and elected to Honorary Life Membership of ASuop by a two-thirds ($\frac{2}{3}$) vote of the seated Senate in recognition and appreciation of unselfish service and assistance rendered to the ASuop in the advancement and expansion of its objectives and purposes, and in the attainment of the ideas and functions of the ASuop. The ASuop Senate may also nominate current or former ASuop officials for superior performance and contributions to the ASuop and the University of the Pacific. Honorary Life Membership shall be a recognition of service to the organization, not a conferral of membership.

Article III - Right to Govern

Section 1. Autonomy

The ASuop is delegated the authority of self-government by the President and Board of Regents of the University of the Pacific.

Section 2. Liability

The ASuop shall be responsible to the University of the Pacific in all of its operations.

Section 3. Compliance with University Policy

This constitution shall not conflict with any policies set forth by the President and Board of Regents of the University of the Pacific. If this constitution should be in conflict with any policy of the University, then the University's policy shall take precedence above this constitution.

Article IV - The Legislative Branch

Section 1. Establishment

All legislative powers herein granted shall be vested in the Senate of the ASuop.

Section 2. Membership

The voting members of Senate shall be comprised of fourteen (14) total Senators and the Vice President:

- A. One (1) Senator from each of the currently recognized academic schools or colleges that ASuop members are enrolled in.
- B. A number of Senators at-Large, determined by the remaining seats not occupied by school-specific Senators.
- C. Vice President of ASuop, President of the Senate
 - a. May only vote to break a tie.

Section 3. Elections

Senators shall be elected from the members of their respective academic schools or colleges every year in the Spring Semester.

- A. Whomever receives a plurality of the votes cast for their respective academic school or college shall be considered the winner.

The term of Senators shall begin on the last Monday of April and end on the following last Monday of April.

Senators-at-Large shall be elected from all members of the ASuop every year in the Spring Semester.

- A. Whoever receives enough votes to be within the top six (6) shall be considered a winner.

The term of Senators-at-Large shall begin on the last Monday of April and end on the following last Monday of April.

Senators and Senators-at-Large shall have entered into office once they have sworn the following oath to the Vice President of the ASuop, “I do solemnly swear (or affirm) that I will support and defend the Constitution of the Associated Students of the University of the Pacific; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.”

Section 4. Election Regulations

The rules and regulations for elections, including the manner in which they shall be conducted, shall be determined by the Senate, and approved by the President.

No member of the ASuop may hold more than one office at one time.

Section 5. Compensation of Senators

Senators and Senators-at-Large may receive monetary compensation for their services, and the amount shall be determined by law.

Any change in the level of compensation to Senators and Senators-at-Large shall not take effect until the following Fall Semester, unless a change in compensation is mandated by the State or Federal Government.

Section 6. The Enumeration of Essential Authorities and Responsibilities

Constitution of the Associated Students of the University of the Pacific

The Senate shall have the authority to pass bills and resolutions with a majority vote of the Senate;

To make all laws and regulations concerning the allocation of funds collected by the ASuop;

To make all laws and regulations concerning the internal governance of the Senate, including, but not limited to, its codes and bylaws;

To establish legislative committees for the fulfillment of the duties and obligations prescribed to the Senate in this Constitution;

To confirm nominations to executive or judicial office made by the President of the ASuop;

To approve any legally binding document that the ASuop is party to;

To make all laws and regulations concerning the compensation of ASuop members;

To impeach members of the ASuop, with a two-thirds ($\frac{2}{3}$) majority, for not adhering to the laws established by this government, the University, or the State of California;

To try cases of impeachment related to members of the judicial branch, and render verdicts for such. No conviction shall be made, nor verdict rendered, without the presence of at least two-thirds of the Senate present. The President of the Senate shall preside over such proceedings, and if two-thirds of the Senate should vote in favor of conviction, shall render a judgment. Judgment in the case of impeachment shall not extend beyond the removal from office and suspension from holding future office;

The Senate shall present every bill passed to the President; If the President approves then the President shall sign it, but if not the President shall return it, with objections, to the Senate who shall enter the objections into their minutes. If, after reconsideration, two-thirds ($\frac{2}{3}$) of the Senate shall agree to pass the bill then it shall become law. If the bill is not returned to the Senate within ten (10) days of its passage, then it shall be considered law, as if the President had signed it.

The Senate shall keep a public record of its business, unless said business is deemed confidential by law.

The Senate shall have the authority to make all laws that are necessary and proper for the fulfillment of the responsibilities of itself or any other branch or officer as provided by this Constitution.

Article V - The Executive Branch

Section 1. Establishment

All executive powers herein granted shall be vested in the President of the ASuop.

Section 2. Membership

In addition to the President, the Executive Branch shall be comprised of the following members:

- A. Vice President, elected with the President.
- B. Executive Officers, appointed by the President with the advice and consent of the Senate.

Section 3. Elections

The President and Vice President shall be elected from all members of the ASuop every year.

- A. The Presidential ticket that receives a plurality of the votes cast shall be considered the winner.

The term of the President shall begin on the first Monday of May and end on the following first Monday of May.

The President, Vice President, and Executive Officers shall have entered into office once they have sworn the following oath to a sitting Justice of the ASuop, "I do solemnly swear (or affirm) that I will faithfully execute the office of [name of office] of the Associated Students of the University of the Pacific, that I will faithfully and diligently work towards improving the lives of students, and that I will preserve, protect, and defend the Constitution of the Associated Students of the University of the Pacific."

No member of the ASuop may hold more than one office at one time.

Section 4. Election Regulations

The rules and regulations for elections, including the manner in which they shall be conducted and time they will take place, shall be determined by the Senate and approved by the President.

Any changes to the rules and regulations for elections shall not be considered effective until the following election, unless said changes have been adopted to adhere to University policies.

Section 5. Compensation of Executive Members

Members of the executive branch may receive monetary compensation for their services, and the amount shall be determined by law.

Any change in the level of compensation to executive members shall not take effect until the following Fall Semester, unless a change in compensation is mandated by the State or Federal Government.

Section 6. The Enumeration of Specific Authorities and Responsibilities

The President shall have the authority to determine the manner in which laws and regulations be executed and enforced when said laws and regulations do not provide an express means by which to be executed or enforced;

To represent the ASuop at all official meetings of the University, and, to appoint members of the ASuop to serve in place of the President at said meetings;

To temporarily fill vacancies in the Senate. Presidential appointments expire once the Senate has selected and sworn in their replacement. Presidential appointees may not participate in impeachment proceedings, nor may they participate in the process of selecting candidates to fill vacancies;

To nominate members of the ASuop to serve as executive officers in the fulfillment of the duties and obligations prescribed to the President in this Constitution, with the advice and consent of the Senate;

To nominate members of the ASuop to serve as Justices to the Supreme Court of the ASuop, with the advice and consent of the Senate;

To negotiate all legally binding documents that the ASuop is party to, with the advice and consent of the Senate;

To create necessary internal policies, through executive orders and memoranda, for the faithful execution of all laws of the ASuop;

To call for a special meeting of the Senate with at least four (4) days notice, not counting holidays;

To remove executive officers, for due cause.

The President shall submit an annual budget, in the Spring Semester, to the Senate.

The President shall represent the ASuop in all cases brought against the ASuop in the Supreme Court.

The President shall submit reports to the Senate on the non-confidential business conducted during meetings of the Board of Regents.

The President shall deliver an annual address to the Senate, during the Spring semester, in which they will discuss the state of the ASuop and suggest what measures they believe are necessary for the improvement of the ASuop.

Article VI - The Judicial Branch

Section 1. Establishment

The judicial powers of the ASuop shall be vested in the Supreme Court of the ASuop.

Section 2. Membership

The Supreme Court shall be comprised of the following members:

- A. Chief Justice
- B. Two (2) Associate Justices

Section 3. Appointment

The Chief Justice of the Court shall be nominated by the President, and requires a majority vote of the Senate to be confirmed.

The Associate Justices shall be nominated by the President, and requires a majority vote of the Senate to be confirmed.

The term of the Chief Justice and Associate Justices shall begin from the day they are confirmed by the Senate, and end on the second Monday of May.

The Chief Justice and Associate Justices shall have entered into office once they have sworn the following oath to the President of the ASuop, "I do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me in the office of [name of office] under the Constitution and laws of the Associated Students of the University of the Pacific."

No member of the ASuop may hold more than one office at one time.

Section 4. Compensation of Judicial Members

Members of the judicial branch may receive monetary compensation for their services, and the amount shall be determined by law.

Any change in the level of compensation to judicial members shall not take effect until the following Fall Semester, unless a change in compensation is mandated by the State or Federal Government.

Section 5. The Enumeration of Specific Authorities and Responsibilities

The Court shall have the authority to review and adjudicate all disputes arising under this constitution;

To overturn and repeal any law, policy, bylaw, executive action, or any other governmental act that is found to be unconstitutional by a majority of The Court;

To try cases of impeachment brought forth by the Senate related to members of the executive or legislative branches, and render verdicts for such. No conviction shall be made, nor verdict rendered, without the presence of at least two members of The Court present. Judgment in the case of impeachment shall not extend beyond the removal from office and suspension from holding future office;

To certify election results when contested by a member of the ASuop;

To offer advisory opinions to the Senate or the President, when requested, in a timely manner;

To review all legally binding documents that the ASuop is party to;

To make all regulations concerning the internal administration of The Court, including, but not limited to, its bylaws;

To compel the attendance of members of the government to offer testimony before The Court;

The Court shall be responsible for maintaining the original governing documents of the ASuop, so as to guarantee the accurate interpretation of said documents.

Article VII - Advisors

Section 1. Membership

The ASuop will be provided additional counsel, services, and guidance from Advisors.

ASuop Advisors are defined as those professional staff that are hired by the ASuop, and have more than 50% of their salary compensated by the ASuop.

Section 2. Employment of Advisors

The President shall represent the ASuop in all employment proceedings, and will provide the Senate with a report on these proceedings.

Section 3. The Enumeration of Specific Responsibilities

ASuop Advisors shall, in addition to any responsibilities already present in their contract, assist the ASuop in the dutiful and expedient execution of the obligations prescribed to the ASuop in this Constitution.

The President shall be responsible for guaranteeing that Advisors are faithfully upholding their obligations to the ASuop, and may, with the advice and consent of the Senate, compel Advisors to participate in performance reviews.

Article VIII - Amendment Process

Section 1. Process

An amendment to this constitution may be proposed in one the following ways:

- A. Any Senator may submit an amendment to this Constitution, this requires a two-thirds ($\frac{2}{3}$) majority from the seated Senate to be on the ballot.
- B. The President may submit an amendment to this Constitution, this requires a two-thirds ($\frac{2}{3}$) majority from the seated Senate to be on the ballot.
- C. Any member of the ASuop may submit an amendment to this Constitution, this requires 200 signatures from members of the ASuop to be on the ballot.

A proposed amendment requires a majority vote in favor of the amendment to be approved.

Amendments that receive the necessary votes to be ratified shall be added to the end of this Constitution. Said attachments shall be clearly marked as an 'Amendment' and shall be numbered in the order that they were proposed and adopted. Each amendment

to this Constitution must have the date it was proposed and the date it was ratified.

No physical alterations to the original constitution shall be allowed in order to preserve the history and original intent of this document. However, edited copies of this constitution may be created to reflect the current status of the constitution, post-amendment.

Article IX - Transition

Section 1. Prior Obligations

All contracts entered into, before the adoption of this constitution, shall be valid with the ASuop under this new Constitution.

All debts contracted, before the adoption of this constitution, shall be valid against the ASuop under this new Constitution.

Section 2. Members of the Government

All positions entered into, before the adoption of this constitution, shall remain until their previously prescribed expiration.

Section 3. Previous Laws

All laws created under the former constitution are hereby declared null and void.

Article X - Student Bill of Rights

Section 1. Freedom of Expression

The ASuop shall make no rule respecting the establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the members peacefully to assemble, and to petition the ASuop for a redress of grievances.

Section 2. Equal Protection Under the Law

The ASuop shall not deny any member the equal protection of its laws, without the due process of law.

Section 3. Due Process

The ASuop shall not render judgment upon any member without first affording them the due process of law.

Section 4. Rights of the Accused

Members of the ASuop have the right to a fair and speedy trial, to not be tried twice for the same offense, to not be compelled to testify against themselves, to be afforded representation by the government if they are unable to provide their own, to face their accuser, to be presented with the charges placed against them, and to have the opportunity to present witnesses for their defense.

Section 5. Freedom of Information

Members of the ASuop have the right to be provided, in a timely manner, any document relating to the ASuop that does not contain expressly private, compromising, or other information of a uniquely sensitive nature.

Section 6. The Enumeration of Rights

The enumeration of rights within this constitution shall not be construed to deny or deprive other rights retained by the members of the ASuop.

Article XI - Ratification

The approval of two-thirds ($\frac{2}{3}$) of the Senate, the President, and a simple majority of the votes cast (50% + 1) in the Spring 2017 general election, with regard to the adoption of this Constitution, shall be sufficient for the establishment of this Constitution, as is the process defined in Article VIII, Section 2, Sub-Section H of the current Constitution.

Amendment I

Section 1

In the event that the office of the Presidency is vacant, the Vice President shall become the President and appoint a new Vice President, subject to approval by $\frac{2}{3}$ of the seated Senate.

Section 2

In the event that the offices of President and Vice President are simultaneously vacant, the Senate President pro tempore shall become the President and appoint a new Vice President,

subject to approval by 2/3 of the seated Senate.

Section 3

In the event that the offices of President, Vice President, and Senate President pro tempore are simultaneously vacant, the Senate shall elect a new President from among the seated Senators by a 2/3 vote.

Section 4

In the event that the office of the Vice Presidency is vacant, the President may appoint a new Vice President, subject to approval by 2/3 of the seated Senate.

Section 5

The Senate shall have the power to enforce this article by appropriate legislation.

Submitted to the Senate by the President on February 23rd, 2018

Approved by the Senate on March 5th, 2018

Ratified by the Students on March 29th, 2018

Amendment II

Section 1

The Senate shall have the exclusive authority to compel the President to advocate for a revision to the ASuop Student Fee before the Board of Regents. Such legislation must be passed by a 2/3 vote of the seated Senate. The President may not advocate for such a revision before the Board of Regents unless compelled to do so by the Senate.

Section 2

A petition signed by a minimum of 100 members of ASuop, submitted between the Senate's passage of legislation compelling the President to advocate for a revision to the ASuop Student

Fee and one (1) month prior to the submission of the University's budget to the Board of Regents, shall be sufficient to place the question on an ASuop Election ballot.

The Senate may, by a 2/3 vote, authorize a special election to be held on the issue of the fee increase pursuant to a petition of students should the petition be submitted after the regular ASuop election.

Section 3

The Senate shall have the power to enforce this article by appropriate legislation.

Submitted to the Senate by the President on February 23rd, 2018

Approved by the Senate on March 5th, 2018

Ratified by the Students on March 29th, 2018

Amendment III

Section 1

All changes to the rules and regulations for elections shall be reviewed by the Supreme Court.

Section 2

The Supreme Court reserves the authority to void changes to the rules and regulations for elections if the Court determines that the changes were intended to privilege certain candidates over others.

Section 3

In the event that the Supreme Court is vacant, those authorities prescribed in Sections 1 and 2 of this amendment shall fall to the ASuop Advisor.

Submitted to the Senate by the President on February 23rd, 2018
Approved by the Senate on March 5th, 2018
Ratified by the Students on March 29th, 2018

Amendment IV

Section 1

Once per semester, the President shall deliver an address to the Senate in which they will discuss the state of the ASuop and suggest what measures they believe are necessary for the improvement of the ASuop.

Submitted to the Senate by the President on February 23rd, 2018
Approved by the Senate on March 5th, 2018
Ratified by the Students on March 29th, 2018

Amendment V

Section 1

A. Article II of the ASuop Constitution shall be amended to read as follows:

All undergraduate, graduate, and professional students, who have paid the student body fee, shall be considered members of the ASuop and shall be guaranteed all rights and privileges afforded thereof.

Any person may be nominated by the ASuop President or Senate and elected to Honorary Life Membership of ASuop by a two-thirds ($\frac{2}{3}$) vote of the seated Senate in recognition and appreciation of unselfish service and assistance rendered to the ASuop in the advancement and expansion of its objectives and purposes, and in the attainment of the ideas and functions of the ASuop. The ASuop Senate may also nominate current or former ASuop officials for superior performance and contributions to the ASuop and the University of the Pacific. Honorary Life Membership shall be a recognition of service to the organization, not a conferral of membership.

B. Article IV, Section 2 of the ASuop constitution shall be amended to read as follows:

The voting members of Senate shall be comprised of fourteen (14) total Senators and the Vice President:

- A. One (1) Senator from each of the currently recognized academic schools or colleges that ASuop members are enrolled in.
- B. A number of Senators at-Large, determined by the remaining seats not occupied by school-specific Senators.
- C. Vice President of ASuop, President of the Senate
 - a. May only vote to break a tie.

Section 2

- A. The Supreme Court shall be responsible for entering the new laws defined in Section 1 into the ASuop Constitution.

Section 3

This amendment shall take effect immediately upon passage.

- A. The Senate must vote to approve with a $\frac{2}{3}$ majority in order to pass.
- B. Upon the approval of the President, this bill will be placed in front of the student body.
- C. The vote will occur in tandem with the general election in Spring 2023.
 - a. The elections taking place in Spring 2023 will not include candidates for the positions that are being removed.
 - b. Depending on the results of the Spring 2023 decision on this Constitutional Amendment, the corresponding candidates for Senator will run in a Special Election in Fall 2023.

Section 4

All Bylaws in conflict with this amendment are hereby declared null and void.

Submitted to the Senate by Senators on January 23rd, 2023

Approved by the Senate on January 30th, 2023

Ratified by the Students on March 24th, 2023