

# Constitution of the Associated Students of Madison

042104 (AB)

*As amended on October 17 and October 18, 1995*

*As amended on May 3, 1999*

*As amended on February 29, March 1 and March 2, 2000*

*As amended on April 3, April 4 and April 5, 2001*

*As amended on April 7, April 8, April 9 and April 10, 2003*

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*As amended on March 30, March 31 and April 1, 2004*

**This constitution consists of 17 articles:**

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**Article I: Name**

The name of this organization shall be the Associated Students of Madison ("ASM").

**Article II: Preamble**

This Proclamation of Participation, set forth with the belief that active and judicious participation in every aspect of campus life that concerns students is beneficially attainable, establishes a student government that will selflessly pursue the ideals of all without denying the ideals of one, that will be responsive without being repressive or

restrictive, and that will insure that we, the students of the University of Wisconsin-Madison, are fairly recognized and represented.

### **Article III: Object**

The object of the ASM shall be:

- (a) to ensure the greatest participation by students in the immediate governance of and policy development for the University at all levels, including the exercise of all rights students by Wisconsin State Statute 36.09[5];
- (b) to control all Segregated University Fees and all other funds which constitute substantial support for campus student activities;
- (c) to organize events for students;
- (d) to receive complaints from students, investigate the problems of students, and participate in academic decisions concerning students;
- (e) to take action on behalf of the student body in general, and to specifically work for:
  - i. The expansion of student power in all aspects of student governance;
  - ii. The recognition of access to education as a basic human right;
  - iii. The enforcement of civil rights guarantees in all aspects of university life and policy;
  - iv. The guarantee of the ability of students, staff, and faculty to function without undue financial stress;
  - v. The protection of public education;
  - vi. The defense of the right of students and campus workers to organize in their own interests;
  - vii. The protection of full student autonomy over student life, services, and interests.
- (f) to provide an official voice through which the opinions of the student body may be expressed;
- (g) to develop ASM policies in a fair and open manner; and
- (h) to inform all students of ASM activities and encourage participation in them.

### **Article IV: Declaration of Rights**

**Section 1: Nondiscrimination.** The ASM shall not discriminate on the basis of race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, parental status, arrest or conviction record, amount or source of income, political ideology, command of the English language, or known relationship to anyone in any of these protected classes, unless pursuant to an exception recognized by state or federal law.

**Section 2: Due Process.** All members of the ASM and all student organizations shall be guaranteed due process under law.

**Section 3: Open Meetings and Free Access.** Every meeting of an ASM body shall be preceded by public notice at least twenty four hours prior to the commencement of the meeting. At any meeting of an ASM body, all discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in

session open to all ASM members. All ASM bodies shall make available all records for inspection and copying by members of the ASM. Exceptions to this Section may be established in the Bylaws only in order to protect the privacy of individuals.

***Section 4: Initiative.*** The members of the ASM shall have the right of initiative to adopt, amend or rescind any Bylaw, rule or law of the ASM, or to allocate or prohibit the allocation of funds under the control of the ASM, with funding for speech or expressive activities being exempt from initiative. The proposed initiative measure shall be submitted to an election upon the filing with the Student Judiciary of a petition signed by five percent of the members of the ASM.

***Section 5: Recall.*** The members of the ASM shall have the right to recall any elected officer of the ASM. The proposed recall shall be submitted to an election upon the filing with the Student Judiciary of a petition signed by five percent or one hundred, whichever is greater, of the members of the ASM entitled to vote in the election of the officer.

## **Article V: Segregated Fee Policy**

***Section 1: Duty.*** All aspects of segregated university fees including, but not limited to, allocation, eligibility, review, requirements, expensing and revenue generating shall be consistent with the policies of the University of Wisconsin System and all federal and state laws and court opinions.

***Section 2: Implementation.*** The ASM shall, By-Law, establish a process for implementing and carrying out the duty stated in Section 1 of this Article.

## **Article VI: Membership**

***Section 1: Members.*** All students enrolled in the University of Wisconsin-Madison during regular or summer academic periods are members of the ASM. Members of the ASM during the Spring semester shall remain members of the ASM through the summer.

***Section 2: Loss of Membership.*** Except as provided in Section 1, members not enrolled in the current academic period shall lose membership in the ASM upon the first class day after the late enrollment deadline. Members who withdraw or are expelled from the University shall lose membership immediately. Members withdrawing from the University shall regain membership immediately upon registration for classes in any subsequent semester, and shall hold membership in the ASM without prejudice.

## **Article VII: Student Council**

***Section 1: Composition.*** The Student Council ("SC") shall consist of 33 Representatives. Of these, all except the Freshman Representatives shall be ASM members elected at the Spring elections. Freshman Representatives shall be ASM members who are freshmen, elected at the Fall elections. Seats shall be apportioned among reasonable academic units by law every four years.

**Section 2: Terms.** Representatives shall serve for one year. No person may serve more than two full terms as SC Representative. Terms for all Representatives except the Freshman Representatives shall begin May 1st. Terms for the Freshman Representatives shall begin immediately after the Fall elections.

**Section 3: Retreat.** After the Spring election and before the beginning of their terms, the SC Representatives-elect and Freshman Representatives shall meet together in retreat organized by the ASM staff to plan a course of action for the year.

**Section 4: Vacancies.** The SC shall by two-thirds vote of the entire SC, excluding vacancies, fill vacancies in the SC with an ASM member of the same academic unit. The person appointed shall serve until the next election, at which time a Representative shall be elected to hold the seat for the remainder of the term.

**Section 5: Meetings.**

- (a) The SC shall meet at least every two weeks except during the Summer Session. Special meetings may be called by the Chair and shall be called upon the written request of eleven SC Representatives.
- (b) A majority of the SC, excluding vacancies, shall constitute a quorum.
- (c) SC Representatives who fail to attend SC, SSFC or committee meetings shall be removed from the SC without impeachment in a manner established in the Bylaws.

**Section 6: Powers and Duties.**

- (a) Except as otherwise provided in this Constitution, the SC shall exercise all legislative powers of the ASM by majority vote.
- (b) The SC shall appoint its own Chair, Vice-Chair and other officers as established by the Bylaws.
- (c) The SC shall establish Bylaws and Rules for the ASM by two-thirds vote at two consecutive meetings. To amend Bylaws or Rules shall require a two-thirds vote at two consecutive meetings, subject to the veto power specified in this Constitution for SSFC and the Student Judiciary.
- (d) The SC may refer any matter in its power to a vote of the members of the ASM by a resolution receiving a two-thirds vote at two consecutive meetings and filed with the Student Judiciary, with the exception of any matter that determines either the eligibility or funding level of a student organization or service.
- (e) The SC shall keep and publish a journal of its own proceedings. The yeas and nays of any question shall be recorded in the journal on the request of two SC Representatives.
- (f) The SC shall hold a town meeting at least once each semester to make known the activities of the SC and to listen to the views of ASM members. The SC Representatives representing an academic unit shall hold a town meeting at least once each semester for the ASM members of that unit.
- (g) The SC shall have the sole power to convict on bill of impeachment any elected or appointed officer of the ASM. Cause for impeachment shall be limited to neglect of duties, official misconduct, or malfeasance in office. Impeachment

shall be initiated upon the petition of one-third of the SC, excluding vacancies. A three-fourths vote of the entire SC, excluding vacancies, shall be required to convict or remove.

- (h) Each Student Council member shall lobby the state legislature for affordable tuition at least once a year, participate in at least one activity in the fall and spring ASM recruitment drives and attend at least one United Council event, including, but not limited to, General Assemblies, retreats, trainings or conferences, per full academic semester. If a Student Council member does not comply with any part of this paragraph, they shall receive an unexcused absence for each infraction.

**Section 7: The Chair.** The Chair of the SC shall serve as the official spokesperson of the ASM, shall act as the presiding officer of the SC, shall communicate to the SC the state of the ASM and shall coordinate the activities of the ASM. The Vice-Chair shall assume the duties of the Chair in the absence of the Chair, and shall perform other such duties as may be required by the Chair.

## **Article VIII: Student Council Committees**

### ***Section 1: Finance Committee.***

- (a) The Finance Committee shall be composed of nine members. Four shall be appointed annually by the SC from among SC Representatives. Five shall be appointed annually by the SC from among ASM members not holding any other elected or appointed office in the ASM. Vacancies shall be filled for the remainder of the term by the appointing body, subject to the same qualifications.
- (b) The Finance Committee shall have the power to allocate funds for student events in accordance with standards established in the Bylaws. Allocations of more than 2% of the amount annually budgeted for student events shall require ratification by the SC. The SC may consider any other allocation for a student event only by a three-fourths vote.
- (c) The Finance Committee shall in a timely fashion submit to the SC a budget and necessary budget amendments for ASM expenditures.

### ***Section 2: Shared Governance Committee.***

- (a) A Shared Governance Committee composed of at least five SC Representatives shall be appointed annually by the SC. In addition, any ASM member without limitation may become a member of the Shared Governance Committee, entitled to all the rights, powers and privileges of committee membership.
- (b) The Shared Governance Committee shall, with the advice and consent of the SC, appoint ASM members to all University Committees for which the ASM has power of appointment.
- (a) The Shared Governance Committee shall work to encourage and expand student participation in the immediate governance of and the policy development for the University at all levels. The Committee shall support all efforts at student self-organization to claim their shared governance rights.

**Section 3: Special Committees.** The SC may establish other committees as may from time to time be necessary to achieve the object of the ASM. The SC shall appoint at least

one SC Representative to convene the special committee. Any ASM member without limitation may become a member of a special committee, entitled to all the rights, powers and privileges of committee membership.

## **Article IX: Student Services Finance Committee**

**Section 1: Composition.** The Student Services Finance Committee ("SSFC") shall have sixteen members, of which:

- (a) six shall be ASM members elected at large in the Spring election to serve a term of two years beginning May 1st;
- (b) five shall be SC Representatives appointed annually by the SC;
- (c) five shall be ASM members holding no other elected or appointed office in the ASM, appointed annually by the SC;
- (d) one shall be the ASM Finance Chair appointed annually by the SC; and
- (e) no person may concurrently hold more than one seat on the SSFC.

### **Section 2: Vacancies.**

- (b) Vacancies for appointed SSFC seats shall be filled for the remainder of the term by the appointing body, subject to the qualifications stated in Section 1.
- (a) Vacancies for elected SSFC seats shall be filled with an ASM member by two-thirds vote of the entire SC, excluding vacancies. The person appointed shall serve until the next election, at which time an ASM member shall be elected to hold the seat for the remainder of the term.

### **Section 3: Powers and Duties.**

- (a) SSFC shall recommend in writing all allocations of Segregated University Fees to the SC. The recommendations of SSFC shall be deemed recommendations of the ASM unless the SC by two-thirds vote within four weeks of receipt amends them, rejects them or by a majority vote refers them back to SSFC.
- (b) SSFC shall not recommend allocations unless they further the general student interest.
- (c) No student service allocated Student Fees in one fiscal year may be deleted from the SSFC budget for the next fiscal year except (i) internal disbandment of the service, (ii) failure to apply, or (iii) by the SSFC, acting pursuant to such exceptions as may be established in the Bylaws only for the purpose of bringing the ASM Student Fee process or the service in question into compliance with federal or state law or University System policy.
- (d) The SC may delete any increase over the national rate of inflation of more than ten percent with a majority vote. This paragraph shall not apply to any groups in their initial year of funding.
- (e) SSFC may recommend to the SC for approval without amendment such Bylaws or amendments thereto as may be necessary to govern SSFC operations.

### **Section 4: Reserve Board.**

- (a) There shall be a Reserve Board, Consisting of the Chairs of the Student Council (SC), Student Services Finance Committee (SSFC) and the Finance Committee (FC) and the Vice-Chairs of the SC and the SSFC.

- (b) The Reserve Board shall have the authority to establish a segregated fee contingency level, provided such a level is consistent with UW policy.
- (c) The Reserve Board shall have the authority to dispense segregated fees in reserve account, provided there remains a minimum level of reserve funding consistent with UW policy, with a three-fourths vote.
- (d) The Student Council shall, By-Law, provide for proper policies and procedures governing the Reserve Board; and be it further

## **Article X: Student Judiciary**

**Section 1: Composition.** The Student Judiciary shall consist of eight Student Justices, who shall be ASM members not holding any other elected or appointed office in the ASM. Student Justices shall be appointed for a two year term by a two-thirds vote of the entire SC, excluding vacancies, with four of the justices, except as provided elsewhere in the constitution, appointed each year.

**Section 2: Vacancies.** The SC shall fill any vacancies in the Student Judiciary by a two-thirds vote of the entire SC, excluding vacancies, subject to the qualifications stated in Section 1. The person appointed shall fill out the remainder of the term.

### **Section 3: Powers and Duties.**

- (a) The Student Judiciary shall oversee all ASM elections.
- (b) The Student Judiciary shall have the power to set uniform spending limits on all candidates for elected offices of the ASM
- (c) The Student Judiciary shall have jurisdiction over all cases and controversies arising under the Constitution, Bylaws, Rules or laws of the ASM.
- (d) The Student Judiciary shall have jurisdiction over the discipline of Registered Student Organizations.
- (e) The Student Judiciary may recommend to the SC such Bylaws, Election Rules and Rules of Procedure or amendments thereto as may be necessary to govern Student Judiciary operations. The Student Judiciary may veto any amendment made by the SC to the Student Judiciary Bylaws, Election Rules or Rules of Procedure, by a majority vote within four weeks of adoption in the SC.

## **Article XI: Staff**

**Section 1: Composition.** The Staff shall consist of an Administrative Assistant and a Financial Specialist, and such other positions with such other powers and duties as shall from time to time be established by Bylaw or law. No staff person may hold any elected or appointed office in the ASM.

**Section 2: Administrative Assistant.** The Administrative Assistant shall be responsible for aiding the ASM in implementing the policies of the ASM; directing the day-to-day operations of the ASM; making all those decisions necessary to fulfill the above responsibilities which have not been reserved as the responsibility of the Student Council

or any Student Council Committees; and preparing proposals and recommendations to the Student Council on decisions that come before the Administrative Assistant.

**Section 3: Financial Specialist.** The Financial Specialist shall oversee the funds of the ASM, shall make a full financial report to the SC at least once a semester and such interim reports as the SC shall direct, and shall assist the Finance Committee and SSFC in its operations.

## **Article XII: Elections**

**Section 1: Schedule.** Fall elections shall be held during the third week in October. The Student Judiciary shall set the date for the Spring elections prior to the December 1<sup>st</sup> preceding the election. The Spring elections shall not begin (a) during the first 6 weeks of the semester, (b) during the week preceding and following Spring break, or (c) after the thirteenth week of the semester. Special elections may be called if the Bylaws so provide. All elections shall be held over a period of at least two consecutive class days.

**Section 2: Procedures.** Seats shall be filled by the candidate(s) who gain a plurality of votes. The Student Judiciary shall break all ties using a random drawing or some other random method as specified in the Bylaws. Voters may cast a number of votes in each district equal to a majority of the seats available in the voter's district. The Student Judiciary may specify in the Bylaws a provision for cumulative voting.

**Section 3: Ballot.** Candidates for positions of the ASM shall be listed solely by name on all ballots. Ballots shall not be marked in such a manner that the identity of the person casting the ballot may be identified.

## **Article XIII: Initiative, Referendum and Recall**

**Section 1: Subjects.** Initiatives, referenda and recalls may be submitted to an election only upon petition of ASM members or resolution of an ASM body filed with the Student Judiciary, as provided elsewhere in this Constitution. Any funding for speech or expressive activities shall not be subject to this Article.

**Section 2: Procedures.** The Student Judiciary shall submit the proposed initiative, referendum or recall measure to ASM members at the next election, provided that the petition or resolution is filed with the Student Judiciary at least three weeks prior to the election. The Student Judiciary shall bring the proposed initiative, referendum or recall measure to the attention of ASM members by reasonable methods as specified in the Bylaws.

**Section 3: Adoption.** A majority vote of those casting votes on the measure shall adopt the initiative, referendum or recall measure.

### **Section 4: Effect.**

- (a) A recall shall take effect immediately upon adoption.
- (b) An initiative or referendum adopting, amending or rescinding Bylaws, Rules or laws of the ASM shall take effect immediately upon adoption. Such an initiative

or referendum may not be amended or rescinded except by initiative or referendum for two years after adoption.

- (c) An initiative or referendum allocating or prohibiting the allocation of funds in the control of the ASM shall take effect at the beginning of the next budget cycle following adoption. Such an initiative or referendum may not be amended or rescinded except by initiative or referendum during that budget cycle.

## **Article XIV: Summer Operations**

**Section 1: Definition.** The Summer Session shall begin on June 1 and end two weeks before the first day of classes in the Fall semester.

**Section 2: Limitations.** During the Summer Session, officers may not be impeached, Bylaws and Rules may not be amended, elections may not be held and no more than ten percent of the budget for student events may be allocated.

**Section 3: Summer SC.** Any SC Representative may give written notice to the Chair of his or her intent not to serve during the Summer Session. The vacant seat shall thereupon be filled for the Summer Session in the manner provided for SC vacancies. At the end of the Summer Session, the Representative who gave notice may reclaim his or her seat. One-third of the SC, excluding vacancies, shall constitute a quorum during the Summer Session.

## **Article XV: Amendment and Disbandment**

**Section 1: Election.** A proposal to amend this Constitution or disband the ASM shall be submitted to an election by the members of the ASM upon the filing with the Student Judiciary of a petition signed by ten percent of the members of the ASM, or of a resolution of the SC receiving a two-thirds vote at two consecutive meetings. The Student Judiciary shall submit the proposed amendment to an election in accordance with the procedures provided for initiatives and referenda.

**Section 2: Amendment.** A majority vote of those casting votes on an amendment to this Constitution shall adopt the amendment. The amendment shall take effect immediately upon adoption.

**Section 3: Disbandment.** A two-thirds vote of those casting votes on disbandment of the ASM shall adopt the disbandment, provided that at least ten percent of the members of the ASM cast votes. Upon the adoption of disbandment, the ASM shall cease to conduct its affairs except insofar as may be necessary for the winding up thereof.

## **Article XVI: Transition**

**Section 1: Ratification.** This Constitution shall be subject to a ratification election upon petition of at least 4,000 students enrolled at the University of Wisconsin-Madison. The ratification election shall be supervised by the election commission. A plurality of votes cast at a ratification election shall adopt this Constitution.

**Section 2: Initial Elections.** The first elections shall begin on the date provided by this Constitution for the Spring elections, or as soon thereafter as may be practicable, and shall be supervised by the same body that oversaw the ratification election. Notwithstanding any other provision of this Constitution, at the first election all officers of the ASM shall be elected.

**Section 3: Initial Apportionment.** The first apportionment of SC Representatives shall occur in 1996. Until that time, the apportionment shall be as follows: College of Agriculture and Life Sciences, 2 Representatives; School of Business, 2 Representatives; School of Education, 3 Representatives; School of Engineering, 3 Representatives; Family Resources and Consumer Sciences, 1 Representative; College of Letters and Science, Undergraduates, 13 Representatives; Professional Schools (Law, Medical, Pharmacy, Veterinary, and Nursing), 2 Representatives; Graduate School, 4 Representatives; Special Students, 1 Representative; Freshmen, 2 Representatives.

**Section 4: Initial Terms.** The Freshman Representatives shall serve until the first Fall election. All other SC Representatives shall serve a full term. Prior to the first election, at-large SSFC seats shall be separated into two equal groups, one to serve until the first Fall election, the other to serve until the second Fall election. Prior to their appointment, the SC shall separate Student Justices seats into two roughly equal groups, one to serve a term of one year, the other to serve a full term. Notwithstanding any other provision of this Constitution, officers elected at the first election shall take office immediately.

## **Article XVII: Student Creation of University Shared Governance Committees**

**Section 1:** The SC may, from time to time, establish University Committees to address issues of student life, services and interests. This shall be done upon the recommendation of the Shared Governance.

**Section 2:** The composition of these committees must be a majority of students. The chairperson of these committees must be a student.

**Section 3:** The SC shall, By-Law, establish a specific process through which these University Committees shall be created. The SC shall, By-Law, indicate the manner in which the chairs of the committees are selected, the manner in which the committees are to report and to which body they shall report, and any other administrative or substantive issues as deemed necessary by the SC.

**Section 4:** The legislation creating the University Committees must specify the exact composition of the committees (including any ex-officio members) and the scope and authority of the committees.