ASSOCIATED STUDENTS OF ASU
GPSA ASSEMBLY
NINTH LEGISLATURE

MARCH 16, 2012

ASSEMBLY BILL # 30

INTRODUCED BY

THE GOVERNMENT OPERATIONS COMMITTEE

AN ACT SENDING a Proposed Amendment to the ASASU Constitution to a
Referendum of GPSA Membership

THE GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION,
WHEREAS the Undergraduate Student Government currently is governed, in parallel,
with the GPSA via the current ASASU Constitution;
WHEREAS the Undergraduate Student Government is considering ratification of the
“Universal USG Constitution;”
WHEREAS if USG were to cease to follow the current ASASU Constitution several
essential elements of government for graduate and professional students would end;
NOTING THAT all of the following proposed amendments to the ASASU Constitution
reference the section number and/or lines of the original document;
SUBMITS the following amendment to the ASASU Constitution to the GPSA
membership for a referendum (as defined in Article 6 of the ASASU Constitution), to be
held simultaneously with the upcoming GPSA elections, with the following stipulations:

• These amendments shall only be placed on the ballot if the Undergraduate
  Student Government also places these same amendments on their ballots
  in the upcoming Undergraduate Student Government elections.
    o These amendments shall be considered ratified by GPSA if a
      majority of GPSA voters voting on these amendments vote to
      adopt them.
• If these amendments are ratified by only USG or GPSA, and not the other, these amendments in their entirety shall not be enacted, and the Constitution will not be amended by this bill.

AMENDMENTS:

1) In the Title, SUBSTITUTE “ASSOCIATED STUDENTS” with “GRADUATE AND PROFESSIONAL STUDENTS”;

2) In TITLE I, STRIKE “TEMPE CAMPUS”;

3) SUBSTITUTE LINES 5 and 6 with “MEMBERSHIP AND ESTABLISHMENT”;

4) In TITLE I, Preamble, SUBSTITUTE

“We, the students of Arizona State University at the Tempe Campus, in order to provide a representative student government, hereby form the Associated Students of Arizona State University, and establish this Constitution. ASASU exists to represent, advocate, on behalf of the student body, support university administration and local, state, and national governing bodies. ASASU is mandated to provide a unified forum for inter-university dialogue, to organize student involvement, and to administer services, resources, and programs that benefit the greater student population.

Having been created and approved by the students of Arizona State University at the Tempe Campus this document hereby establishes the ASASU as the recognized governing body of students at the Arizona State University Tempe Campus.”

with

“We, the graduate and professional students of Arizona State University, in order to provide a representative student government, hereby form the Graduate and Professional Student Association, and establish this Constitution. GPSA exists to represent, advocate, on behalf of the graduate and professional student body, support university administration and local, state, and national governing bodies. GPSA is mandated to provide a unified forum for inter-university dialogue, to organize graduate and professional student involvement, and to administer services, resources, and programs that benefit the greater graduate and professional student population.
Having been created and approved by the graduate and professional students of Arizona State University this document hereby establishes the GPSA as the recognized governing body of graduate and professional students at Arizona State University.

5) In TITLE I, Article I, SUBSTITUTE

“The Associated Students of Arizona State University is hereby established under this Constitution and shall consist of the following independent governing organizations: the Undergraduate Student Government (USG), and the Graduate and Professional Student Association (GPSA).”

with

“The Graduate and Professional Student Association of Arizona State University is hereby established under this Constitution.”

6) In TITLE I, Article 2, STRIKE Section I and renumber the following sections accordingly;

7) In TITLE I, Article 2, STRIKE the “Section 2” heading;

8) In TITLE I, Article 3, Paragraph 1, STRIKE “of each independent governing organization”;

9) In TITLE I, Article 3, SUBSTITUTE each use of “ASASU” with “GPSA”;

10) STRIKE Title II and renumber the following titles accordingly;

11) In Title III, Article 2, Section 1(B), STRIKE the words, “, Section 2”;

12) In Title III, STRIKE Article 4;

13) SUBSTITUTE

“TITLE IV
JUDICIARY

Article 1 – Supreme Court Judiciary Structure

Section 1. Judicial Powers
The judicial powers of the ASASU shall be vested in the Supreme Court and any lower courts established by the USG or GPSA.

Section 2. Jurisdiction
A. The Supreme Court and any lower courts shall have jurisdiction over all disputes arising under this Constitution or any Bylaws established pursuant to this Constitution. In addition, they shall have any other jurisdiction the USG Assembly or the GPSA Assembly may provide in their Bylaws.

B. The decision of the Supreme Court on any disputes arising under the ASASU Constitution shall be final, except in the case of impeachment of a Supreme Court Justice.

C. The Supreme Court shall retain original jurisdiction over disputes arising between USG, GPSA, or any other organizations or departments created by ASASU.

D. The Supreme Court shall retain all jurisdiction not delineated by the USG or the GPSA to any lower court and appellate jurisdiction over all disputes.

Section 3. Composition

A. The Supreme Court shall consist of five Justices.

B. Selection of Justices

1. Following ASASU elections, the sitting President of USG shall nominate three Supreme Court Justices, and the sitting President of GPSA shall nominate two Supreme Court Justices. Application processing and deadlines shall be defined in each representative body’s bylaws.

2. USG nominations shall be confirmed by a two-thirds vote of the sitting USG Senate and GPSA nominations shall be confirmed by a two-thirds vote of the sitting GPSA Assembly. Confirmation shall occur no later than the final legislative sessions of USG and GPSA.

C. Conference Committee shall appoint a Supreme Court Clerk to perform all administrative duties outlined in Article 2, Section 3 of this Title.

1. Conference Committee will accept applications for the position of Supreme Court Clerk from the Arizona State University Tempe Campus student body.

2. A final appointment will be made by a two-thirds vote of the
Conference Committee and the Clerk shall begin serving his or her term at noon on the Monday following the May commencement ceremony and shall serve for one year.

Section 4. Term
The Justices’ terms begin at noon on October 1 and shall continue until noon of the following October 1

Section 5. Impeachment
Any Supreme Court Justice may be impeached for malfeasance by a two-thirds vote of both the USG Senate and the GPSA Assembly.

Section 6. Removal
Following completion of impeachment procedures, any Supreme Court Justice may be removed by a three-fourths vote of both the USG Senate and GPSA Assembly.

Section 7. Replacement
In the event of a vacancy on the Supreme Court, a replacement shall be nominated by the President of the body that originally nominated the Justice for confirmation by the respective legislative body by two-thirds vote. Application processing and deadlines shall be defined in each representative body’s bylaws.

Section 8. Standing
A case may be brought before the Supreme Court by any member of the USG or the GPSA.

Section 9. Decisions
Decisions and opinions shall be written, posted, and placed in a permanent file of the ASASU and remain publicly available for all ASASU students as administered by the Supreme Court Clerk.

Section 10. Academic Standing
Only ASASU members in good academic standing, as defined by the University, shall serve on the Supreme Court.

Article 2 – Supreme Court Rules and Procedures

Section 1. Judicial Code

A. Upon appointment, the Supreme Court Justices shall adopt a Judicial Code to govern the internal rules and procedures of the judiciary. This Code shall be recorded and made publicly available by the Supreme Court Clerk.
B. Deadlines for court filing and public filing of court cases shall be established by the Judicial Code.

C. The Judicial Code shall be reviewed and approved by a majority vote of the Conference Committee no later than the third regular meeting of the Fall semester.

Section 2. Quorum

A. Quorum for the Supreme Court shall be defined as four sitting justices.

B. Quorum shall be required to hear cases and to issue decisions.

Section 3. Duties of the Court Clerk

A. The Court Clerk shall organize and maintain court files for the courts.

B. The Court Clerk is also responsible for getting evidence and court papers to each member of the judiciary for each case brought before the courts as appropriate.

C. The Court Clerk shall make pleadings and court decisions publicly available.

D. The Court Clerk may be removed following the request of the Supreme Court, subject to the approval of the Conference Committee.”

“TITLE IV
JUDICIARY

Article 1 – Supreme Court Judiciary Structure

Section 1. Judicial Powers
The judicial powers of the GPSA shall be vested in the Supreme Court and any lower courts established by the GPSA.

Section 2. Jurisdiction

A. The Supreme Court and any lower courts shall have jurisdiction over all disputes arising under this Constitution or any Bylaws
established pursuant to this Constitution. In addition, they shall have any other jurisdiction the GPSA Assembly may provide in their Bylaws.

B. The decision of the Supreme Court on any disputes arising under the ASASU Constitution shall be final, except in the case of impeachment of a Supreme Court Justice.

C. The Supreme Court shall retain original jurisdiction over disputes arising between GPSA, and any other organizations or departments created by GPSA.

D. The Supreme Court shall retain all jurisdiction not delineated by the GPSA to any lower court and appellate jurisdiction over all disputes.

Section 3. Composition

A. The Supreme Court shall consist of five Justices.

B. Selection of Justices

1. Following ASASU elections, the sitting President of GPSA shall nominate two Supreme Court Justices. The sitting President of the Assembly shall nominate two Supreme Court Justices. The Sitting Chair of the Government Operations committee shall nominate one Supreme Court Justice. Application processing and deadlines shall be defined in the bylaws.

2. GPSA nominations shall be confirmed by a two-thirds vote of the sitting GPSA Assembly and shall not be subject to the veto of the GPSA President. Confirmation shall occur no later than the final legislative sessions of GPSA.

C. The Government Operations Committee shall appoint a Supreme Court Clerk to perform all administrative duties outlined in Article 2, Section 3 of this Title.

1. The Government Operations Committee will accept applications for the position of Supreme Court Clerk from the Arizona State University student body.

2. A final appointment will be made by a two-thirds vote of the Government Operations Committee and the Clerk shall begin serving his or her term at noon on the Monday following the May commencement ceremony and shall serve for one year.
Section 4. Term
The Justices’ terms begin at noon on Monday following the May Commencement Ceremony and shall continue until noon of the Monday following the May Commencement Ceremony of the following year.

Section 5. Impeachment
Any Supreme Court Justice may be impeached for malfeasance by a two-thirds vote of the GPSA Assembly.

Section 6. Removal
Following completion of impeachment procedures, any Supreme Court Justice may be removed by a three-fourths vote of the GPSA Assembly.

Section 7. Replacement
In the event of a vacancy on the Supreme Court, a replacement shall be nominated by the officer from which the preceding justice was nominated for confirmation by the Assembly by a two-thirds vote not subject to the veto of the GPSA President. Application processing and deadlines shall be defined by bylaws.

Section 8. Right to Bring a Case
A case may be brought before the Supreme Court by any member of the GPSA.

Section 9. Decisions
Decisions and opinions shall be written, posted, and placed in a permanent file of the GPSA and remain publicly available for all GPSA students as administered by the Supreme Court Clerk.

Section 10. Academic Standing
Only GPSA members in good academic standing, as defined by the University, shall serve on the Supreme Court.

Article 2 – Supreme Court Rules and Procedures

Section 1. Judicial Code
A. Upon appointment, the Supreme Court Justices shall adopt a Judicial Code to govern the internal rules and procedures of the judiciary. This Code shall be recorded and made publicly available by the Supreme Court Clerk.
B. Deadlines for court filing and public filing of court cases shall be established by the Judicial Code.

C. The Judicial Code shall be reviewed and approved by a majority vote of the Government Operations Committee no later than the third regular meeting of the Fall semester.

Section 2. Quorum

A. Quorum for the Supreme Court shall be defined as four sitting justices.

B. Quorum shall be required to hear cases and to issue decisions.

Section 3. Duties of the Court Clerk

A. The Court Clerk shall organize and maintain court files for the courts.

B. The Court Clerk is also responsible for getting evidence and court papers to each member of the judiciary for each case brought before the courts as appropriate.

C. The Court Clerk shall make pleadings and court decisions publicly available.

D. The Court Clerk may be removed following the request of the Supreme Court, subject to the approval of the Government Operations Committee.”

14) SUBSTITUTE

“Article 1 – Elections Department

The Elections Department shall exercise independent authority over ASASU elections, referenda, and initiatives.

A. The Elections Department shall exercise independent authority over ASASU elections, referenda, and initiatives.

B. Selection of Elections Director:

1. The Conference Committee shall administer the selection process for the Elections Director.
2. The nomination shall be confirmed by a two-thirds vote of the Conference Committee. Upon confirmation, the individual shall assume the position of Elections Director.

C. Term of Elections Department:

1. The Elections Director shall be confirmed by the Conference Committee by October 1 and shall serve until the new Elections Director is confirmed by Conference Committee.

2. The Assistant Elections Director shall be confirmed by Conference Committee following his/her selection by the Elections Director. The Assistant Elections Director shall serve until the new Elections Director is confirmed by Conference Committee.

D. Duties of the Elections Department:

1. The Elections Director shall have the authority to hire an Assistant Director or Directors, subject to confirmation by two-thirds of the Conference Committee.

2. The Elections Director shall interpret and enforce the election and petition provisions developed and codified by USG and GPSA in their organizational Bylaws and in Titles II and III of this Constitution.

3. The Elections Department shall evaluate the mechanisms by which students may vote annually, and shall investigate the efficacy and potential usefulness of new voting technologies.

4. The Elections Department shall advertise and promote the candidacy and election process.

5. The Elections Department shall have the sole authority to administer USG and GPSA elections and referenda.

6. The Elections Department shall be bound by the duties defined in this Constitution and by any policies or procedures adopted by Conference Committee pursuant to this Constitution.

7. Following the end of the election process, the Elections Director shall present an official report to the Conference Committee detailing the successes and failures of the Department, any issues that arose with the election, voting methods and any other issues the Elections Director deems pertinent.
D. Removal of Elections Director:

1. The Elections Director may be removed from the position for willful neglect of duty, gross incompetence, gross negligence or for any fraudulent actions.

2. Allegations against the Elections Director shall be filed with the Supreme Court.

3. In the event the Supreme Court finds sufficient cause exists, it may remove the Elections Director.

4. In the event the Elections Director resigns or is removed from office, the Assistant Elections Director will automatically advance to the position of Elections Director and may then appoint a new Assistant Elections Director who shall be subject to confirmation by the Conference Committee.

In the event both the Elections Director and Assistant Elections Director(s) resign or are removed from office, a new Elections Director shall be appointed by a two-thirds vote of the Conference Committee and shall serve for the remainder of the term.

Article 2 – Elections Procedures

Section 1. Election Procedures; USG

A. Elections shall be held in the Spring semester for all executive and legislative offices established under Title II of this Constitution.

B. Elections shall be by secret ballot.

C. The USG Senate may enact Bylaws further defining the election process and providing for violations and disputes.

Section 2. Election Procedures; GPSA

A. Elections shall be held in the Spring semester for all executive and legislative offices established under Title III of this Constitution.

B. Elections shall be by secret ballot.
C. The GPSA Assembly may enact Bylaws further defining the election process and providing for violations and disputes.

Section 3. Procedures for Joint Referenda

A. Referenda that affect the entire membership of ASASU must be passed by Conference Committee before being presented in exactly the same form to the legislative bodies of USG and GPSA. If either legislative body proposes changes to the referendum, the referendum must be returned to Conference Committee for revision before being re-submitted to each legislative body. The referendum must then be approved by two-thirds of each legislative body to appear on the ballot.

B. Any referendum that fails to garner two-thirds support in the legislative bodies of both USG and GPSA shall not appear on the ballot.”

“Article 1 – Elections Department

The Elections Department shall exercise independent authority over GPSA elections, referenda, and initiatives.

A. Selection of Elections Director:

1. The Government Operations Committee shall administer the selection process for the Elections Director.

2. The nomination shall be confirmed by a two-thirds vote of the Government Operations Committee. Upon confirmation, the individual shall assume the position of Elections Director.

B. Term of Elections Department:

1. The Elections Director shall be confirmed by the Government Operations Committee by October 1 and shall serve until the new Elections Director is confirmed by Government Operations Committee.
2. The Assistant Elections Director shall be confirmed by the Government Operations Committee following his/her selection by the Elections Director. The Assistant Elections Director shall serve until the new Elections Director is confirmed by Government Operations Committee.

C. Duties of the Elections Department:

1. The Elections Director shall have the authority to hire an Assistant Director or Directors, subject to confirmation by two-thirds of the Government Operations Committee.

2. The Elections Director shall interpret and enforce the election and petition provisions developed and codified by GPSA in the Bylaws this Constitution.

3. The Elections Department shall evaluate the mechanisms by which students may vote annually, and shall investigate the efficacy and potential usefulness of new voting technologies.

4. The Elections Department shall advertise and promote the candidacy and election process.

5. The Elections Department shall have the sole authority to administer the GPSA elections and referenda.

6. The Elections Department shall be bound by the duties defined in this Constitution and by any policies or procedures adopted by Government Operations Committee pursuant to this Constitution.

7. Following the end of the election process, the Elections Director shall present an official report to the Government Operations Committee detailing the successes and failures of the Department, any issues that arose with the election, voting methods and any other issues the Elections Director deems pertinent.

D. Removal of Elections Director:

1. The Elections Director may be removed from the position for willful neglect of duty, gross incompetence, gross negligence or for any fraudulent actions.
2. Allegations against the Elections Director shall be filed with the Supreme Court.

3. In the event the Supreme Court finds sufficient cause exists, it may remove the Elections Director.

4. In the event the Elections Director resigns or is removed from office, the Assistant Elections Director will automatically advance to the position of Elections Director and may then appoint a new Assistant Elections Director who shall be subject to confirmation by the Government Operations Committee.

5. In the event both the Elections Director and Assistant Elections Director(s) resign or are removed from office, a new Elections Director shall be appointed by a two-thirds vote of the Government Operations Committee and shall serve for the remainder of the term.

Article 2 – Elections Procedures

A. Elections shall be held in the Spring semester for all executive and legislative offices established under this Constitution.

B. Elections shall be by secret ballot.

C. The GPSA Assembly may enact Bylaws further defining the election process and providing for violations and disputes.”

15) STRIKE Title VI, Articles 1, 2, 3, and 4, and renumber the following articles accordingly;

16) In Title VI, Article 6, SUBSTITUTE

“Article 6 – Amendment

Section 1. Amendments to Titles II and III Proposals to amend Titles II and III of this Constitution shall be amended according to the procedures set forth in those Titles, respectively.

Section 2. Amendments to Title I, IV, V, VI
A. Proposals to amend Titles I, IV, V and VI of this Constitution shall be considered by the Conference Committee.

B. The proposal shall be sent to the respective legislative bodies for consideration.

C. To appear on the ballot, the proposed amendment shall have been approved by two-thirds of both the USG Senate and the GPSA Assembly.

D. The proposed amendment must be made public to the student body at least one week prior to the election.

E. If the proposed amendment for Title I, IV, V, and VI receives a majority of the votes cast in the ASASU election, the appropriate Title(s) shall be declared amended.”

“Article 6 – Amendments

Proposals to amend this constitution shall originate by a vote of two-thirds (2/3) of present and voting Assembly Members. The proposal shall be scheduled for a vote in the next general election or in a referenda vote of the GPSA membership. Detailed notice of the proposed amendment shall be made public during at least the week prior to the general election. If this proposal receives a majority of the votes cast by the GPSA members in this election, this constitution shall be declared amended.”

17) At the end of the document ADD a Title to be labeled “Joint Governmental Agreements” containing the following text:

“Section 1 – Joint Governmental Agreements

Any formal agreement between the Undergraduate Student Government of any ASU campus and the Graduate and Professional Student Association shall be binding to the operations of the Graduate and Professional Student Association as would the bylaws if the agreement:

1. is ratified by a majority of the Graduate and Professional Student Association Assembly and the respective Undergraduate Student Government legislative body

2. is binding on that Undergraduate Student Government and
3. is not in violation of this constitution.

Section 2 – The Associated Students of Arizona State University

The GPSA is a member government of the Associated Students of Arizona State University. The GPSA recognizes the Undergraduate Student Government as a part of the Associated Students of Arizona State University.”

REQUESTS that the Undergraduate Student Government propose identical amendments and further call for a referendum of undergraduate students;

DEEMS these proposed amendments to have been considered by the Conference Committee.