

**The Constitution  
of the  
Associated Students of Stanford University**

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Printed on May 2007 by the Associated Students of Stanford University  
Stanford, CA 94305

Constitution of the Associated Students of Stanford University

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## Constitution of the Associated Students of Stanford University

[In order to encourage responsible citizenship and the exercise of individual and corporate responsibility on the part of students in the government of student affairs and activities, Stanford University, by approval of this Constitution, authorizes the Associated Students of Stanford University to exercise and discharge major privileges and responsibilities within the framework of policies and regulations established by the University through the President of the University and the Board of Trustees.]<sup>1</sup>

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<sup>1</sup> Inserted as a condition of acceptance of the Spring 1996 Constitutional Amendments in the May 10, 1996 Letter of Acceptance, and subsequently ratified by the Association legislative bodies. See Appendix A, Sections 9 and 12 for details.

## **Preamble**

We, the students of Stanford University, in order to advance our interests, define our responsibilities and to provide for our meaningful participation in the governance of the University, do hereby associate and establish this Constitution. Having received the acceptance of the University and the Board of Trustees, this Constitution shall be respected by University officials, faculty and staff in their dealings with students of the University.

## **Article I: Name, Scope, Membership and Independence**

### ***Section 1. Name***

The name of the organization under this Constitution shall be the Associated Students of Stanford University, hereafter referred to as the “Association.”

### ***Section 2. Membership and Populations***

1. All registered students of Stanford University, and only such persons, shall be members of this Association.
2. The following population subsets of the Association shall be defined:
  - a. Undergraduate population: All undergraduate members of the Association
  - b. Graduate population: All graduate and professional school members of the Association
  - c. Association population: All members of the Association

### ***Section 3. Rights of membership***

1. All members of the Association shall also be liable for such fees as this Association may assess. However, all members shall have the right to a full refund of any and all fees paid to the Association.
2. The Association shall enact no legislation respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to petition the Association for a redress of grievances.
3. All members of the Association have the right to attend all open meetings of the Association and to view all open records of the Association.
4. The final authority of the Association shall in perpetuity be vested in the members of the Association—the students of Stanford University.

### ***Section 4. Rights of the Accused***

An accused member of the Association shall have the following rights. Any judicial body hearing a case against that person shall inform her or him of his or her rights guaranteed under this section at the time she or he is notified of the charges against him or her.

1. To be informed of all the charges and the alleged acts upon which those charges are based.
2. To be allowed a reasonable time in which to prepare a defense.
3. To hear all evidence upon which charges are based, and to answer this evidence through rebuttal.
4. To call witnesses before the judicial body and to confront any other witnesses before the judicial body.
5. To be assured that, unless the defendant asks for an open hearing, any matters of facts which would tend to identify the person or persons involved in a case would be kept confidential.
6. To have an open hearing.
7. To request that any member of the judicial body be disqualified because of prejudice.
8. To be informed of the above rights by proper summons.
9. To be considered innocent until proven guilty beyond a reasonable doubt.
10. To be assured that no record of the case is placed on their transcript.
11. To have no person presenting evidence against them sit in judgment of them.

12. In instances of conviction under State or Federal law, the judicial body shall not assess penalties if the circumstances of the case indicate that such penalties would be inequitable to the defendant when imposed in addition to civil or criminal penalties. This limitation shall not apply when the judicial body's proceedings are deemed necessary by the judicial body to protect the University community from risk or harm. Nothing in this paragraph, however, shall be interpreted as barring or delaying action by the judicial body on a case because a similar charge is pending before a civil court.

***Section 5. Representation and Accountability***

This Association shall be the sole representative of the entire Stanford student body.

**A. Within the University**

Only this Association and its designees shall represent the entire Stanford student body, or a population of the Association, in any dealings with other elements of the University.

**B. Outside the University**

1. Only this Association and its designees shall have the right to represent the entire Stanford student body, or a population of the Association, in non-University affairs.
2. No Association governing body, including the Association legislative bodies, members of the Association legislative bodies, the President, and the Vice President, shall exercise this right in matters not directly affecting Stanford students. A matter shall be construed as directly affecting Stanford students only if there is at least one Stanford student who is affected by the matter in a substantially different manner than would be the case if he or she were not a university student.
3. This prohibition may be waived for a specific issue for a one-year period following passage of a referendum in a general election by a two-thirds vote of the appropriate population of the Association specifically authorizing certain Association actions on that specific issue.

***Section 6. Independence***

1. The Association shall be, except as defined within this Constitution, a body independent from control or suspension by Stanford University. The University shall not have the power to veto legislation approved by any population of the Association and either or both legislative bodies of the Association, except as defined within this Constitution. The finances of the Association shall be independent of the University, except as defined within this Constitution.
2. All power of Stanford University within the Association is circumscribed by this Constitution. Any action by Stanford University within the Association not specifically enumerated within this Constitution is a violation of the independence of the Association.

***Section 7: Freedom of Information***

1. All records of any Association entity must be available for scrutiny by the public with the exception of proprietary business information of Association businesses, financial records for non-funded accounts of organizations banking with the Association, Legal Counseling records, and personnel records of employees. Every other Association organ must allow access to records. This access must be open to all and subject only to administrative requirements to safeguard the information and to provide access in a timely, efficient manner.
2. All meetings of Association legislative bodies, and all meetings of [student]<sup>2</sup> bodies in which one or more Association legislators is acting in an official representative capacity shall be open for observation to all members of the Association.

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<sup>2</sup> Interpreted as part of the May 10, 1996 Letter of Acceptance, and subsequently ratified by the Association legislative bodies. See Appendix A, Sections 9 and 12 for details.

3. Members of the Association shall be given reasonable opportunity to make their views known at all such meetings.
4. Recordings of all such meetings may be made so long as the act of recording the meeting does not interfere in a substantial way with conducting the meeting.
5. Information regarding the location, time and agenda for all such meetings must be made available in a public place. This information must also be made available in electronic form. This information must be made available at least 24 hours before the meeting is to be held.
6. All minutes of meetings of Association legislative bodies, committees of those bodies, and the Executive Committee must be made available in electronic form within seven days of being approved.
7. The groups mentioned in Section 7(2) above may close a meeting to discuss a specific issue if and only if one of the following conditions is met:
  1. [The body must discuss the appointment, the employment, the performance, or the dismissal of an Association member or employee who is neither the President, the Vice President, nor a member of an Association legislative body.]<sup>3</sup>
  2. The body must discuss pending litigation.
  3. The body must discuss proprietary business practices.
8. Information regarding the general content of a closed meeting and the reason for its closure shall be made available to the public 24 hours in advance of the meeting.
9. During the closed session, the body shall discuss only the issue or issues which caused the meeting to be closed.

***Section 8. Amendment***

The power to amend this Constitution [which]<sup>4</sup> shall in perpetuity be vested in the members of the Association [shall be exercised pursuant to the terms and procedures of Article VII of this Constitution]<sup>5</sup>.

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<sup>3</sup> The numbering of this section was interpreted as part of the October 16, 1997 Letter of Acceptance as being "1.7.7.1", instead of "!.7.7.1", and subsequently ratified by the Association legislative bodies. See Appendix A, Sections 10 and 12 for details.

<sup>4</sup> Interpreted as part of the May 10, 1996 Letter of Acceptance, and subsequently ratified by the Association legislative bodies. See Appendix A, Sections 9 and 12 for details.

<sup>5</sup> Interpreted as part of the May 10, 1996 Letter of Acceptance, and subsequently ratified by the Association legislative bodies. See Appendix A, Sections 9 and 12 for details.



## **Article II: Legislative Branch**

### ***Section 1. Representative Authority***

The representative authority of the Association shall be vested in the legislative bodies of the Association.

The Undergraduate Senate of the Association shall be composed of 16 members, 15 of whom shall be elected by and shall represent the undergraduate members of the Association, with the 16<sup>th</sup> member being the Vice President of the Association.

The Graduate Student Council of the Association shall represent the graduate and professional members of the Association. The Graduate Student Council shall have 15 members who shall be elected by and shall represent the graduate and professional members of the Association, and shall include the Vice President of the Association as the 16<sup>th</sup> member.

### ***Section 2. Membership of the Association Legislative Bodies***

#### **A. General**

1. The elected members of the Association legislative bodies shall be chosen each year in the Association Spring Quarter General Election.
2. Each elected member of an Association legislative body shall, at the time of her/his election and during her/his continuance in office, be a member of the Association and be committed, at the time of certification of her/his election, to be a member of the constituency s/he represents during her/his term of office.
3. An elected member of an Association legislative body shall cease to be a member of that body upon the event of her/his death, resignation, disqualification, recall, or expulsion.
4. All vacant seats on an Association legislative body shall automatically be open should a general election be called, or a special election involving the relevant Association population.
5. If a member of an Association legislative body loses her/his seat within 28 days of the general or special election in which s/he was elected, the vacancy created by that member shall be filled by the next-highest vote recipient in that election, who did not become a member of the relevant Association legislative body. If no such person exists, the seat shall remain vacant until filled.
6. Nothing in this section shall be interpreted as preventing the Association legislative bodies from enforcing appropriate sanctions against candidates whose actions in seeking office were in violation of the rules governing student elections.

### ***Section 3. Undergraduate Senate: Organization and Procedures***

#### **A. Election of the Undergraduate Senate**

1. The fifteen members of the Undergraduate Senate shall be elected from and shall represent the undergraduate population.
2. Each member of the undergraduate population voting may cast one vote for as many Undergraduate Senate seats as are assigned to the undergraduate population.
3. The candidates equal in number to the number of available Undergraduate Senate seats who receive the largest number of votes shall become members of the Undergraduate Senate.
4. If at any time more than one-third of the Undergraduate Senate seats are vacant, the Undergraduate Senate shall immediately call a special election to fill all vacant seats.

#### **B. Apportionment of votes in the Undergraduate Senate**

1. The number of voting members at all meetings of the Undergraduate Senate shall depend solely on the number of elected members in attendance.

2. No member of the Undergraduate Senate in attendance at a meeting of the Undergraduate Senate may for any reason be disenfranchised. No vote taken in violation of this rule shall be considered valid. Restricting the right of members of the Undergraduate Senate to vote based on attire, behavior, beliefs or any other grounds is prohibited.
3. The Vice President of the Association shall have a vote only when the other voting members of the Undergraduate Senate are evenly divided.

**C. Undergraduate Senate Quorum**

A majority of the regular members of the Undergraduate Senate shall constitute quorum to conduct business.

**D. Ex-Officio Members of the Undergraduate Senate**

1. The Undergraduate Senate may declare any member of the Association an ex-officio member of the Undergraduate Senate by a majority vote. No member of the Association shall be impeded from petitioning the Undergraduate Senate for the right to become an ex-officio member of the Undergraduate Senate.
2. Ex-officio members of the Undergraduate Senate shall have all privileges afforded members of the Undergraduate Senate but shall never be permitted to vote.
3. The President of the Association, elected members of the Graduate Student Council, and the Financial Manager shall be ex-officio members of the Undergraduate Senate.

**E. Undergraduate Senate Term of Office**

1. Members of the Association elected and certified as members of the new Undergraduate Senate shall meet as the Undergraduate Senate Elect within one week after certification by the Undergraduate Senate, and at regular intervals thereafter.
2. The Undergraduate Senate Elect shall organize itself in a manner similar to that of the Undergraduate Senate. Members of the Undergraduate Senate Elect shall be ex-officio members of the Undergraduate Senate and observers on any body containing a member of the Undergraduate Senate. Members of the Undergraduate Senate shall be ex-officio members of the Undergraduate Senate Elect.
3. The Vice President Elect of the Association shall be the Presiding Officer of the Undergraduate Senate Elect.
4. Transition from the Undergraduate Senate Elect to the Undergraduate Senate
  - a. If the Undergraduate Senate Elect was elected by the Association Spring Quarter General Election, then at a date specified by the Undergraduate Senate or 14 days before the end of the spring quarter, whichever comes first, the Undergraduate Senate and the Undergraduate Senate Elect shall dissolve and the former members of the Undergraduate Senate Elect shall constitute the new Undergraduate Senate.
  - b. If the Undergraduate Senate Elect was elected in any other election, then within 14 days of certification of the election, the Undergraduate Senate Elect shall dissolve and the former members of the Undergraduate Senate Elect shall constitute the new Undergraduate Senate.
5. The new Undergraduate Senate shall meet at least once in the academic quarter during which it was constituted as the Undergraduate Senate. At this time, it shall formalize the membership of the Undergraduate Senate committees and the appointment of Undergraduate Senate officers.

**F. Presiding Officer of the Undergraduate Senate**

1. The Vice President of the Association shall preside over the Undergraduate Senate.
2. The Undergraduate Senate shall choose its Chair, Deputy Chair, and other officers. The Chair shall serve at the Vice President's convenience during regular meetings of the Undergraduate Senate.
- 3.
- 1.

a.

**G. Removal from the Undergraduate Senate**

A member of the Undergraduate Senate may be dismissed from office in the following ways:

1. The undergraduate population may vote to recall the member of the Undergraduate Senate.
2. The Undergraduate Senate may by a two-thirds vote expel a member of the Undergraduate Senate. Previous notice of the vote to expel a member of the Undergraduate Senate must be given at the regular meeting of the Undergraduate Senate immediately prior to the meeting at which the expulsion vote takes place. An expulsion vote shall only take place at a regular meeting of the Undergraduate Senate, and the member to be expelled shall have the right to speak in her/his defense before the vote takes place.

Grounds for dismissal from the Undergraduate Senate shall include, but not be limited to, actions which clearly violate the intent of this Constitution, consistent failure to attend regular meetings of the Undergraduate Senate, actions deemed unbecoming a member of the Undergraduate Senate.

**Section 4. Graduate Student Council: Organization and Procedures**

**A. Election of the Graduate Student Council**

1. The fifteen elected members of the Graduate Student Council shall be elected from one or more districts of the graduate population and shall represent the members of that district.
2. The Graduate Student Council may redistrict seats for its elected members, so long as they are based on an equitable apportionment amongst the graduate population.
3. Each member of the graduate population voting may cast one vote in each district to which s/he belongs for each of as many Graduate Student Council seats are assigned to that district.
4. In each district, the candidates equal in number to the number of Graduate Student Council seats assigned to that district who receive the largest number of votes shall become elected members of the Graduate Student Council.
5. No member of the Association shall vote in a district of which s/he is not a member.
6. If at any time a district has a vacant seat, the Graduate Student Council shall immediately act to fill it, by a procedure specified in the Graduate Student Council's By-Laws. New members of the Graduate Student Council resulting from this procedure shall be considered elected members for all intents and purposes.

**B. Apportionment of votes in the Graduate Student Council**

1. The number of voting members at all meetings of the Graduate Student Council shall depend solely on the number of members in attendance.
2. The Vice President of the Association shall have a vote only when the other voting members of the Graduate Student Council are evenly divided.
3. No member of the Graduate Student Council in attendance at a meeting of the Graduate Student Council may for any reason be disenfranchised. No vote taken in violation of this rule shall be considered valid.

**C. Graduate Student Council Quorum**

Quorum for conducting votes mandated in this Constitution shall consist of a majority of the non-vacant Graduate Student Council seats.

**Ex-Officio Members of the Graduate Student Council**

1. The President of the Association, members of the Undergraduate Senate, and Financial Manager shall be ex-officio members of the Graduate Student Council.

2. The Graduate Student Council may appoint other members of the Association as ex-officio members of the Graduate Student Council.

**D. Graduate Student Council Term of Office and Transition**

The term of office and transition procedures for the Graduate Student Council shall be specified in the Graduate Student Council's By-Laws, with the condition that whatever the procedures are, they must be completed by the end of the academic quarter in which the election for the Graduate Student Council took place.

**E. Graduate Student Council Officers**

The Graduate Student Council shall choose its Chair, Deputy Chair, and Financial Officer. The Chair shall preside over the Graduate Student Council.

**F. Removal from the Graduate Student Council**

The procedure for removing members of the Graduate Student Council shall be specified in the Graduate Student Council's By-Laws.

**Section 5. Budgetary and Financial Policy**

Except as otherwise provided in this Constitution, the members of the Association shall have the ultimate authority to determine the budget of the Association and its agencies, as well as their budgetary, financial, investment, business, and operating policies. The members of the various Association populations shall also have the ultimate authority to establish rules ensuring that funds derived from fees levied upon those populations are expended and accounted for properly. As the representative bodies for the students, the legislative bodies of the Association shall exercise these powers in the names of the members of their respective constituencies.

**Section 6. Agencies of the Association**

The legislative bodies of the Association shall have the power to create, modify, and abolish agencies of the Association including, but not limited to, projects providing services to members of the Association. The functions, structure, officers, and finances of all such agencies may be specified jointly by the Undergraduate Senate and the Graduate Student Council for those agencies whose purpose involves members of both the undergraduate and graduate populations. Otherwise, the above structures may be specified only by the legislative body for the relevant population.

**Section 7. Nominations Commission**

1. Each year, the legislative bodies of the Association shall jointly choose the Nominations Commission. No member of an Association legislative body may be a member of the Nominations Commission. All members of the Association are, except as specified in this section, eligible to serve on the Nominations Commission.
2. Student representatives for University committees shall be nominated by the Association through the Nominations Commission. Representatives of the relevant population shall be confirmed by the relevant Association legislative body and the consent of the President of the Association. The Association legislative bodies and the Association President shall not have the power to alter the nominations of the Nominations Committee.
3. The Nominations Commission may recommend to the relevant legislative bodies the removal of any representative of the Association on a University committee who does not regularly attend meetings of her/his committees or do not otherwise fulfill her/his obligations to her/his committee. The Undergraduate Senate and the Graduate Student Council may by a two-thirds vote remove such members. The legislative bodies of the Association may only act to remove a representative of the Association after the Nominations Commission recommends her/his removal.

4. Alternate procedures for these nominations may be specified through agreements between the relevant Association legislative bodies, the President of the Association, and the President of the University, if the Nominations Commission is unable to make the nominations. Such agreements must be submitted by the President of the Association to the relevant Association legislative bodies in writing. All such agreements must meet with the approval of the President of the Association as well as a majority vote of the Undergraduate Senate and the Graduate Student Council.

No such agreement may last for more than a period of one year, but may be renewed by the relevant Association legislative body each year.

### ***Section 8. Confirmation of Appointments***

The Association legislative bodies shall have the right to confirm appointments of representatives of the Stanford student body, except in those cases where an alternate procedure has been approved by a majority vote of the Association voting in a general election.

### ***Section 9. Elections***

Each Association legislative body shall have sole power to make rules governing elections involving only members of the population it represents, in accordance with this Constitution. For elections involving the Association population, the Association legislative bodies shall have the joint power to make rules, in accordance with this Constitution.

### ***Section 10. By-Laws***

#### **A. Undergraduate Senate By-Laws**

1. Shall cover those matters affecting only the undergraduate population and its representatives.
2. May be amended at a regular meeting of the Undergraduate Senate by a two-thirds vote of the members present and voting, provided that notice has been given at the previous regular meeting.

#### **B. Graduate Student Council By-Laws**

1. Shall cover those matters affecting only the graduate population and its representatives.
2. May be amended at a regular meeting of the Graduate Student Council by a two-thirds vote of the members present and voting, provided that notice has been given at the previous regular meeting.

#### **C. Association By-Laws**

1. Shall cover all matters affecting both the graduate and undergraduate populations, or affecting both populations' representatives.
2. May be amended only by joint approval of the Undergraduate Senate and Graduate Student Council, in the manners described in Paragraphs A(2) and B(2) of this Section, respectively.

### ***Section 11. Joint Meetings of Association Legislative Bodies***

The Executive Committee shall have the power to call joint meetings of the Association legislative bodies. The Vice President of the Association shall serve as the Presiding Officer of all such joint meetings. The procedures for calling such meetings shall be included in the Association By-Laws. The only conditions on these procedures are that public notice must be given of all such meetings, minutes must be taken at all such meetings, and these minutes must be made publicly available within one week of being approved.

### ***Section 12. Joint Approval by Association Legislative Bodies***

Unless otherwise stated in this Constitution, the joint approval of any item of business by the Association legislative bodies shall not necessarily require a joint meeting of the Association legislative bodies.

***Section 13. Open ballot***

All votes of Association legislative bodies shall be by open ballot.

## **Article III: Executive Branch**

### ***Section 1. The President and Vice President***

1. The President of the Association shall be the chief executive of the Association.
2. The Vice President of the Association shall assist the President of the Association in carrying out the will of the Association.

### ***Section 2. Qualifications***

1. The President and Vice President shall be, at the time of their election and during their continuance in office, members of the Association. Neither may simultaneously be an elected member of an Association legislative body.
2. Should the President become incapacitated, resign, or otherwise be removed from office, the Vice President shall assume the role of President of the Association. The President shall then appoint a member of the Association to be Vice President. This appointment must be approved by a two-thirds vote of each Association legislative body.
3. If both the President and Vice President lose office due to reasons other than the election of a new President and Vice President, the Association legislative bodies shall, within 14 days, call a general election to choose another President and Vice President. The Association legislative bodies shall, by a joint majority vote, choose a member of either Association legislative body to serve as Acting President in the interim.

### ***Section 3. Election***

1. Candidates for the positions of President and Vice President of the Association shall run for the positions in two-person slates. Each Member of the Association shall cast one vote for the President-Vice President slate of his or her choice.
2. Provisions for nominations shall be specified in the Association By-Laws. In all cases, each slate of candidates shall include exactly two members, with one candidate specifically designated as the candidate for President and the other specifically designated as the candidate for Vice President. In no case may a single member of the Association simultaneously run for election as a member of two slates. Each slate shall be identified by the first and last name of its candidate for President.
3. The President and the Vice President shall be elected by a majority of the Association voting in the Association Spring Quarter General Election.
4. Should no slate of candidates receive a majority of the votes in the Association Spring Quarter General Election, the winner will be decided by the standard "Instant Runoff Voting" procedure.
5. No member of the Association who has served previously as President of the Association for longer than four months shall be eligible to run for that office.
6. The terms of the President and Vice President of the Association shall end at a date specified in the Association By-Laws or 14 days before the end of the spring quarter after the Association has elected another President and Vice President of the Association.
7. The President and/or Vice President of the Association may be removed by a four-fifths vote of each Association legislative body.

### ***Section 4. Executive Committee***

1. There shall exist an Executive Committee of the Association. The Executive Committee shall coordinate the administration and activities of the executive branch and Association legislative bodies.
2. The membership of the Executive Committee shall be:

- a. The President of the Association, who shall chair the Executive Committee.
  - b. The Vice President of the Association.
  - c. The Chair and Deputy Chair of the Undergraduate Senate.
  - d. The Chair, Deputy Chair, and Financial Officer of the Graduate Student Council.
  - e. The ASSU Financial Manager.
3. The President of the Association shall call all meetings of the Executive Committee, and set its agenda.
  4. The Executive Committee shall meet on a weekly basis to discuss all business coming before the Association legislative bodies.
  5. Unless an alternate mechanism is specified in this Constitution, the Executive Committee shall have the power, by [consensus]<sup>6</sup>, to decide if a given issue affects either the graduate or undergraduate population individually, or both jointly. In the absence of an alternate mechanism and in the absence of [consensus]<sup>6</sup> of the Executive Committee, the issue shall be assumed to affect both populations.
  6. [The Executive Committee shall have the power, by [consensus]<sup>6</sup>, to call joint meetings of the Association legislative bodies.]<sup>8</sup>
  7. [The Executive Committee shall have the power, by [consensus]<sup>6</sup>, to force joint consideration of any item of business by the Association legislative bodies. This joint consideration shall not necessarily imply the need for a joint meeting of the Association legislative bodies.]<sup>9</sup>
  8. The Executive Committee shall have the power, by [consensus]<sup>6</sup>, to name any other members of the Association ex-officio members of the Executive Committee.

#### ***Section 5. Powers and Responsibilities***

1. The President shall serve as the chief administrator and executive of all Association functions. She or he shall oversee and coordinate the day to day operations and activities of the Association. The President shall see to it that all measures adopted by the Association legislative bodies are carried out and enforced.
2. The President shall be the chief representative and liaison between the Association and all other bodies, both inside the University community and outside.
3. The President shall have the power to call special meetings of the Undergraduate Senate, the Graduate Student Council, and of the Association in general. The President may establish committees as necessary and may appoint members to those groups. All such committees shall be subject to the freedom of information restrictions outlined throughout this Constitution.
4. The President shall have the power to stop the enacting of any legislation of an Association legislative body through an executive veto. To override the executive veto, the Association legislative body must again pass the legislation at its next meeting by a two-thirds vote. Once a veto has been overridden, the President may not again veto the same legislation.
5. As the Association's chief executive, the President shall be accountable to the Association legislative bodies and to the members of the Association for all actions carried out in her/his official capacity.
6. The President of the Association shall have the power to delegate authority to other members of the Association to carry out executive tasks within the Association. In particular, the President may form a cabinet to assist her or him in administration of the Association. The President of the Association shall

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<sup>6</sup> Interpreted as part of the October 1, 1999 Letter of Acceptance to mean "an opinion or position reached by a group as a whole, where each member of the group is willing to accede to the decision", and subsequently ratified by the Association legislative bodies. See Appendix A, Sections 11 and 12 for details.



have power to remove members of the cabinet at will. The members of the Cabinet may also be removed by a two-thirds vote of each Association legislative body.

7. During winter quarter, the President of the Association shall deliver a State of the Association address open to all members of the University community. Notice of the address must be made in a public place two weeks before the address. Members of the Association shall then have the opportunity to publicly address the President of the Association.

## **Article IV: Judicial Branch**

### ***Section 1. Judicial Authority***

The Association shall recognize the authority of University judicial bodies over members of the Association only if those judicial bodies shall have been approved by two-thirds of those members of the Association voting in a general election.

### ***Section 2. Judicial Review***

#### **A. Constitutional Council**

The Constitutional Council shall adjudicate all cases where the constitutionality [under the ASSU Constitution]<sup>10</sup> of an act by an Association legislative body, the President of the Association, or any member(s) of the Association is called into question.

#### **B. Membership of the Council**

The Constitutional Council of the Association shall be comprised of 5 members and shall choose by majority vote a chair each year within three weeks of the beginning of fall quarter.

1. All members must be current members of the Association. Members shall serve until they resign, cease to be members of the Association, or are removed by a 4/5 vote of both Association legislative bodies.
2. Should a seat within the Constitutional Council be vacant, the President of the Association shall select a member of the Association to fill that vacancy. This selection must be confirmed by a 2/3 vote of both Association legislative bodies.<sup>11</sup>
3. No person may concurrently be a member of the Council and an elected or appointed officer of the Association. No employee of the Association may simultaneously be a member of the Council.

#### **C. Meetings of the Council**

1. Unless a majority of the Council deems it frivolous, the chair of the Council shall call a meeting of the Council within seven days of receipt of a case filing. Meetings shall be held within ten days of the issuance of a call for the meeting.
2. The Council shall make its rulings by majority vote. In ruling on any action, it may only vote to uphold the constitutionality of the action, or deem the action unconstitutional. A tie vote shall be construed as upholding the action's constitutionality.
3. Before the Council rules on an issue, it shall offer the individual or individuals accused of acting in an unconstitutional manner the right to present a case. The Council shall also offer a representative of the individuals who believe the accused to have acted unconstitutionally the right to present a case. The Council may, at its discretion, allow other members of the Association to speak to the issue.
4. Decisions regarding the constitutionality of an action shall be made at a second Council meeting held within seven days of the first Council meeting held on the issue.
5. Four members of the Council in attendance at a Council meeting shall constitute a quorum for the purposes of voting on the constitutionality of an action.
6. All meetings of the Council shall be open to all members of the Association. All records of the Council shall be public. No meeting of the Council may ever be closed for any reason. The Council shall maintain minutes of meetings and decisions taken. Furthermore, when the Council makes a decision by a majority vote, that majority shall select a Council member to draft within seven days of the decision an official opinion of the Council. All minutes and opinions shall be made available in electronic form within ten days of the meeting.

7. Information regarding the location, time and agenda for meetings of the Council must be made available in a public place. This information must also be made available in electronic form. This information must be made available at least 72 hours before the meeting is to be held.
8. If the Council deems an act to be unconstitutional, that act becomes null and void. Acts stemming from the unconstitutional act may by a majority vote of the Council be deemed valid if they were performed in good faith.

**[The Council shall not have the power to indict a member of the Association.]<sup>12</sup>**

**The Council shall also meet to adjudicate special cases as detailed throughout this Constitution.**

**The Council shall only exist during fall, winter and spring quarters.**

## **Article V: Finances**

### ***Section 1: General Fees***

#### **A. General**

The Association may levy one or more General Fees upon its membership; such General Fees shall be levied on either the graduate or undergraduate population, but not both. Each General Fee must have an explicit statement of purpose, which must be approved by the same procedure used to set the base amount for the General Fee. Funds may be disbursed from a General Fee upon the approval of the relevant legislative body, and only in accordance with the approved statement of purpose.

- a.
- b.

#### **B. Modification of General Fees**

1. Each General Fee levied on an Association population shall increase each year by a percentage equal to a nationally-recognized index of inflation, specified in the Association By-Laws.
2. The relevant Association legislative bodies may, by a 2/3 vote, place a proposal to create, abolish, or modify the base amount of a General Fee of the relevant population, or to change its statement of purpose, on the ballot of the Association Spring Quarter General Election. Only members of the relevant population shall be eligible to vote on such proposals. Proposals to modify the base amount must include the specific proposed new base amount; proposals to modify its statement of purpose must include the proposed new statement of purpose. Such a proposal will be adopted if 2/3 of the relevant population voting is in favor, and if those in favor make up 15 percent of the relevant population.

### ***Section 2: Special Fees***

#### **A. Placement on the Ballot**

1. During the Association Spring Quarter General Election, the Association may levy one or more Special Fees via referenda. Special Fees shall be sought by student organizations to cover their organizational and basic programming expenses.
2. The Association legislative bodies shall have the authority to specify the form in which the detailed budget and summary of actual expenditures must be presented and the information they must contain, and to establish regulations defining the proper form for petitions and governing the circulation thereof.
3. No Special Fee budget may include a buffer of more than 25 percent to guard against Special Fee refunds.
4. Each student organization must choose the population from which it will seek a Special Fee; neither Association legislative body shall have the power to alter this choice.
5. Student organizations that receive a Special Fee may not deprive any member of the Association of any or all of its services unless that member has obtained a refund of that organization's fee. However, during a given year, a student organization may not charge a total amount greater than its per capita Special Fee for services provided to members of the Association outside of that organization's funding population.
6. A student organization shall have its request for a Special Fee placed on the ballot by any one of the following procedures:
  - a. Prepare a detailed budget for the student organization for the next fiscal year, including the amount sought from the Special Fee, and submit this, along with the current budget and a

summary of actual expenditures, to the Association in the form of a petition. Such petitions must bear the signatures of 15 percent of the members of each population of the Association from which the student organization is seeking a Special Fee, and request the placement of the Special Fee on the ballot for consideration by that population. Such petitions shall be presented to the Elections Commissioner, who must examine for authenticity the signatures on the petitions within seven days after receiving it. Upon verifying a petition, the Elections Commissioner shall then authorize the placement of the Special Fee on the ballot for Association consideration.

- b. Prepare a detailed budget for the student organization for the next fiscal year, including the amount sought from the Special Fee, and submit this, along with the current budget and a summary of actual expenditures, to the relevant Association legislative bodies. This information must also be submitted to the relevant population of the Association in the form of a petition. Such petitions must bear the signatures of 10 percent of the members of each population of the Association from which the student organization is seeking a Special Fee, and request the placement of the Special Fee on the ballot for consideration by that population. Such petitions shall be presented to the Elections Commissioner, who must examine for authenticity the signatures on the petitions within seven days after receiving it. Upon verifying the petition, the Elections Commissioner shall then authorize the placement of the Special Fee on the ballot for Association consideration, provided that this request has also been approved by a 3/5 vote of the relevant Association legislative bodies.
  - c. Prepare a detailed budget for the student organization for the next fiscal year, including the amount sought from the Special Fee, and submit this, along with the current budget and a summary of actual expenditures, to the relevant Association legislative bodies. Upon approval by a 3/5 vote of the relevant Association legislative bodies, the Elections Commissioner shall then authorize the placement of the Special Fee on the ballot for Association consideration, provided that: 1) the last time this student organization appeared on the ballot for a Special Fee, those in favor of the Special Fee constituted a majority of the members of the Association voting on the Special Fee, and 2) the fee presently sought is not substantially higher than the fee requested the last time this student organization appeared on the ballot for a Special Fee.
7. The relevant Association legislative bodies shall be those that represent the population from which the student organization is requesting a Special Fee. The Association By-Laws shall contain procedures for dealing with a student organization that needs approval from both Association legislative bodies for placement of its Special Fee request on the ballot, but receives approval from only one.
8. The relevant Association legislative bodies shall not have the power to remove a Special Fee from the ballot once one of the above procedures has been completed for that Special Fee. However, each Association legislative body may vote on Special Fees already approved by the Elections Commissioner for the ballot, and a notation may be included on the ballot indicating the results of such a vote on the Special Fee.
9. One of the above procedures must be completed by a deadline specified in the Association By-Laws, but no later than 21 days before the general election. The Elections Commission shall give public notice in the largest general circulation student newspaper and/or mass distribution of flyers or through inclusion in an election pamphlet/handbook of the Special Fee requests which will appear on the ballot and their amounts at least 7 days before the general election.

#### **B. Placement on the Ballot in Extenuating Circumstances**

If a student organization has completed one of the above procedures within 21 days of the general election, and the relevant Association legislative bodies determines that extenuating circumstances prevented an earlier completion of one of these procedures, then the relevant Association legislative bodies may authorize the placement of a Special Fee on the ballot for Association consideration. For the Undergraduate Senate, this authorization shall require a 2/3 vote; for the Graduate Student Council, it shall be by a procedure specified in the Graduate Student Council's By-Laws. In this case within two days after

authorization, the Elections Commission shall give public notice in the largest general circulation student newspaper and/or mass distribution of flyers or through the inclusion in an election handbook of the Special Fee(s) and their amount(s) to be placed on the ballot for student consideration.

### **C. Financial Information**

During the general election a summary of all financial information submitted by the student organization seeking a Special Fee shall be made available to all members of the Association.

### **D. Division of Special Fee Requests**

Regardless of which procedure for placement of a Special Fee request on the ballot was followed, the detailed budget for the next fiscal year of a student organization seeking a Special Fee may be divided into two sections by each of the relevant Association legislative bodies. These sections may consist of, but are not limited to, line-items, events, or populations. For the Undergraduate Senate, this shall require a 3/5 vote; for the Graduate Student Council, it shall be by a procedure specified in the Graduate Student Council's By-Laws. The Association By-Laws shall deal with those cases in which the two partitions do not coincide. Each section, along with an appropriate amount sought from the student organization's initial Special Fee request, its current budget, and the summary of actual expenditures to date, shall be considered as a separate and independent Special Fee request, shall appear separately on the ballot, and shall require separate approval by the members of the Association as provided herein. The sum of the partitioned Special Fee requests appearing on the ballot shall equal the amount sought in the organization's initial Special Fee request.

### **E. Approval by the Association**

Undergraduate members of the Association shall be eligible to vote on each Special Fee for which the student organization in question is seeking funding either from the undergraduate population or the entire Association population. Graduate and Professional School members of the Association shall be eligible to vote on each Special Fee for which the student organization in question is seeking funding either from the graduate population or the entire Association population.

During the general election, each member of the Association may cast one vote either in favor or in opposition to each Special Fee for which he is eligible.

A Special Fee shall be deemed to have passed if a majority of those voting on it from each of the relevant populations were in favor and if those in favor constituted at least 15 per cent of those members of the Association eligible to vote on that Special Fee.

**[Deleted Section: F. Approval of the University]<sup>13</sup>**

## ***Section 3: Collection of the General and Special Fees***

### **A. Collection Schedule**

After the Association Spring Quarter General Election results have been certified by the Association legislative bodies, the Financial Manager shall devise and submit to the relevant Association legislative bodies, for approval, a schedule for the levying of the General and Special Fees levied on their respective populations. This collection schedule must conform to the following five principles:

1. The amount levied during each of Autumn, Winter, and Spring quarters shall be substantially the same. While the graduate population may have a fee levied on it during the Summer quarter, no fee shall be levied upon either the undergraduate population or the Association population during the Summer quarter.
2. The amount levied each quarter shall be an integral amount of dollars.
3. The amount levied each quarter shall be apportioned among the General and Special Fees in a manner that shall provide an adequate cash flow for the concerned student organizations.

4. All costs incurred by the Association in administering the approval, disbursement, and refund processes, and in enforcing compliance by the recipients of such funds with their authorized budgets, along with an appropriate portion of the general election costs, shall be paid by a surcharge levied on the authorized General and Special Fees. This surcharge shall be a uniform percentage of each Fee.
5. General and Special Fees may only be levied on members of the Association who are members of the population which was eligible to vote on those General and Special Fees in the general election.

#### **B. Collection of Fees**

The University shall collect the appropriate amount every quarter at the same time it collects charges for tuition. The University shall transfer all collected monies to the Financial Manager, who shall then distribute them into the appropriate financial accounts.

#### ***Section 4: Refunds of the General and Special Fees***

1. Any member of the Association shall be entitled to a refund of at least the amount assessed in support of the entire, or any portion of, any General or Special Fee. This amount shall be specified in the collection schedule for the Fees, and should be as close as practical to the actual per capita amount collected for the Fee in question.
2. Obtaining this refund may deprive the member of the Association of some or all of the services offered by the student organizations receiving these monies.

#### ***Section 5: Distribution of the General and Special Fees***

##### **A. Distribution of General and Special Fees**

The By-Laws of the relevant Association legislative bodies shall govern the distribution of the General and Special Fees. The relevant Association legislative bodies shall retain ultimate authority over the distribution of General and Special Fees.

##### **B. Deviations from Special Fee Budgets**

The Financial Manager shall notify the relevant Association legislative bodies whenever a student organization who has obtained a Special Fee significantly deviates from its budget. The relevant Association legislative bodies may then direct the Financial Manager to halt any distribution of funds from the concerned student organization's account that would force it outside of its budget.

##### **C. Modifications of Special Fee Budgets**

Any student organization who has obtained a Special Fee may modify its budget, subject to the approval of the Financial Manager. The relevant Association legislative bodies shall retain ultimate authority over the approval of such modifications.

##### **D. Excess funding**

1. If the total amount spent from a General or Special Fee is less than was allocated, then the Financial Manager shall transfer the remaining funds into a Reserve Account for that fee.
2. The Financial Manager may distribute funds from the Reserve Account of a group to that group upon authorization by the relevant Association legislative bodies. In this case, relevant shall be determined from the funding status of the group during the current fiscal year. For the Undergraduate Senate, this authorization shall require a 2/3 vote; for the Graduate Student Council, it shall be by a procedure specified in the Graduate Student Council's By-Laws.

#### ***Section 6: Budget***

##### **A. General**

1. All Association funds shall be expended within the purposes of the Association, and within the educational purposes of the University. All funds derived from fees levied upon members of the Association shall be expended within the educational purposes of the University.

2. No funds shall be received or expended by the Association or its agencies unless authorized by the Operating Budget or Capital Budget of the Association or by the budget of the relevant Association agency. Authorization shall consist of the approval by the relevant Association legislative bodies of the appropriate budget or a modification thereof.

### **B. Operating Budget**

1. The Operating Budget of the Association shall be used for the basic operating expenses of the Association. These shall include, but not be limited to, the Association legislative bodies, the President and Vice President, the Financial Office, the Association Office, the Students' Organizations Fund, the Nominations and Elections Commissions, and such other activities and expenses as are so classified by the Association legislative bodies. The Operating Budget shall be divided into two parts, representing those expenses funded by the Operating Budget Allowance provided by the University, and those expenses not so funded.
2. Sources of funds for the Operating Budget shall include, but not be limited to, the Operating Budget Allowance provided by the University, the income earned from the investment of funds owned by or in the custody of the Association, the net operating profit of the profit-making agencies of the Association, indirect cost recovery charges, and gifts. The Association legislative bodies shall adopt policies governing the rates of reinvestment, if any, out of income from different sources. Solicitation of gifts from sources outside the University shall be undertaken in accordance with University policies regarding gift solicitation and acceptance, and in consultation with the appropriate University officers.
3. The Association shall annually negotiate with the University an Operating Budget Allowance. The funds in this allowance are to be used for the basic operating expenses of the Association, including but not limited to all or part of the expenses of the Association legislative bodies, the President and Vice President, the Financial Office, the Association Office, the Students' Organizations Fund, and the Nominations and Elections Commissions. The procedures by which the Association formulates and approves its annual request for this allowance, negotiates this request with the University, and accepts the results of these negotiations, shall be specified in the Association By-Laws.
4. By a date specified in the Association By-Laws, but in any case no later than the beginning of the new fiscal year, the Association legislative bodies shall approve the operating budget for that fiscal year. If the Association legislative bodies do not approve a budget by this deadline, the budget for the new fiscal year shall be identical to that of the previous fiscal year. All modifications to the operating budget shall be approved by the Association legislative bodies before becoming effective.
5. Upon approval by the Association legislative bodies, but in any case no later than the beginning of the new fiscal year, the Financial Manager shall submit the operating budget approved by the Association legislative bodies, or the previous year's budget if no new budget has been approved, to the President of the University or designee. Within 14 days after the receipt of this budget, the President or designee shall either approve the Operating Budget, or shall return it to the Association legislative bodies with a statement of the modifications necessary for it to be approved. Any adjustments to that part of the operating budget funded by the Operating Budget Allowance shall require the approval of the President of the University or designee.

### **C. Other Budgets**

The budgets of all Association agencies shall be prepared in accordance with procedures provided in the Association By-Laws, and shall be approved by the Association legislative bodies prior to the beginning of each fiscal year. All modifications to these budgets shall be approved by the Association legislative bodies before becoming effective.



#### **D. Capital Expenditures**

All capital expenditures of the Association and its agencies shall be contained either in the Operating Budget of the Association or the budgets of such agencies, or in a separate Capital Budget. This Capital Budget, and all modifications to it, shall be approved by the Association legislative bodies before becoming effective.

#### ***Section 7: Students' Organizations Fund***

##### **A. General**

1. The Students' Organizations Fund (herein after referred to as "the Fund") shall be the depository for the receiving, holding, disbursing, and accounting for the monies of the various organizations using the Fund.
2. The Financial Manager shall have the power to make rules and regulations governing the operation of the fund and the handling and protection of the monies deposited with it, including the powers to make a charge against any organization to cover the expense of handling that organization's funds and to determine the disposition of funds deposited in inactive or unclaimed accounts. The Association legislative bodies shall retain the ultimate authority over all rules and regulations of the Fund.
3. The Financial Manager shall be responsible for the enforcement of the rules of the Fund.

##### **B. Banking Requirement**

1. Any student organization which receives funds from fees assessed upon the members of the Association shall be required to deposit all funds of that organization with the Students' Organizations Fund and to comply with its rules and regulations. This requirement shall be independent of, and in addition to, any University regulations concerning the handling of student organizations' monies.
2. The relevant Association legislative bodies shall have the authority to specify the conditions and terms under which, and the process by which, exemptions from this requirement may be made, and to provide for the enforcement of this requirement through appropriate sanctions. No exemption shall be approved for a period longer than one fiscal year, nor earlier than during the fiscal year preceding the one for which the exemption is valid. The relevant Association legislative bodies shall retain the ultimate authority over the approval, modification, and termination of all exemptions.
3. Any other student organization recognized by the University may deposit its monies with the Fund, provided that it complies with the Fund's rules and regulations.

#### ***Section 8: Financial Manager***

##### **A. Duties**

Subject to the provisions of this Constitution and of the Association By-Laws, the Financial Manager shall be directly responsible to the Association legislative bodies for the performance of the following duties:

1. As chief financial officer of the Association, the Financial Manager shall exercise control over the budget and finances of the Association and its agencies on a day-to-day basis, and shall report on their condition to the Association legislative bodies.
2. As comptroller of the Association, the Financial Manager shall ensure that all expenditures of funds from the Association, its agencies, or the Students' Organizations Fund, are duly authorized and documented and within the purpose, functions, and budget of the specific agency or organization.
3. The Financial Manager shall supervise the disbursement and refunding of funds derived from the Association and Special Fees, and shall ensure that organizations receiving such funds remain in compliance with their authorized budgets.

4. The Financial Manager shall assume such additional responsibilities as are provided in this Constitution, the Association By-Laws, the Undergraduate Senate By-Laws, and the Graduate Student Council By-Laws, or by the Association legislative bodies.

**B. Selection and Term of Office**

1. The process for selection of the Financial Manager shall be specified in the Association By-Laws, provided that the Financial Manager must be confirmed by a two-thirds vote of the Association legislative bodies before taking office.
2. The term of office of the Financial Manager shall be for one year and shall begin at a date specified in the Association By-Laws. The Association By-Laws may also specify a term limit.

**C. Removal**

**The Financial Manager may be removed by a vote of 2/3 of the membership of each Association legislative body. The Financial Manager must be notified in writing of the intent to introduce such a motion not less than forty-eight hours prior to the opening of each meeting of an Association legislative body at which the motion will be considered, and must be given an opportunity to speak in opposition to the motion at each such meeting.**

**D. Association Staff**  
The Association Staff shall provide administrative and financial services for the Association, its agencies, the Students' Organizations Fund, and student organizations designated by the Association legislative bodies. The Office shall function under the supervision of the Financial Manager. Secretarial and other staff members shall be employees of the University, and their employment shall be under the Financial Manager, who for these purposes shall function as a department head in the appropriate University administrative structure.

**Section 9: General Provisions**

**A. Fiscal Year**

The fiscal year of the Association and its agencies shall be specified in the By-Laws of the Association.

**B. Annual Audit**

The financial records of the Association, its agencies, and the Students' Organizations Fund shall be reviewed annually by an independent outside auditor accepted by the Financial Manager.

**C. Contracts**

1. Any agreement or contract proposed to be entered into by the Association or any of its agencies shall be presented to the Financial Manager for prior approval and signature. The Financial Manager shall retain copies of all approved contracts. The Association, its agencies, and the Students' Organizations Fund will not be held responsible for contracts not signed by the Financial Manager; such contracts shall be the personal responsibility of the persons signing them. The Association legislative bodies shall have the ultimate authority over the approval of all contracts.
2. No agent, officer, employee, or other person shall make any contract, agreement, promise, or undertaking in the name of or on behalf of the Association or its agencies, except pursuant to authority contained in this Constitution or otherwise granted by the Association legislative bodies.

**D. Borrowing**

The Association shall have the power to borrow money. The Association legislative bodies shall jointly have the ultimate authority over the approval of all borrowing.

## **Article VI: Popular Legislation**

### ***Section 1. Powers of the Membership of the Association***

#### **A. Initiative**

1. Initiative is the power of the membership of the Association to enact any bill, resolution, order, or other original main motion within the power of an Association legislative body (referred to in this Article as “legislation”), including By-Law amendments, except for the certification of the results of any Association election. Subject to this exception, the initiative power shall include the power to modify or repeal any legislation previously approved by an Association legislative body.
2. A measure adopted by initiative may not be amended or repealed by an Association legislative body, except through a Referendum.

#### **B. Referendum**

Referendum is the power of the members of the Association to overturn any legislation approved by an Association legislative body, except that those types of legislation which are defined in this Constitution as not being subject to initiative shall also not be subject to referendum.

#### **C. Recall**

Recall is the power of the membership of the Association to remove from office the President or the Vice President of the Association, or any or all of the members of an Association legislative body (referred to in this Article as “officers” of the Association).

#### **D. Calling of Elections**

1. The Association shall have the power to call an election at any time.
2. General elections are those in which all members of the Association are eligible to vote.
3. Special elections are those in which only a well-defined subset of the Association is eligible to vote.
4. The Association Spring Quarter General Election is the particular general election which shall be held on two consecutive weekdays during the second, third, or fourth week of spring quarter.]<sup>14</sup>

### ***Section 2. Placement on the Ballot and Timing of Elections***

#### **A. Initiative**

An initiative measure shall be submitted to the members of the Association for their approval or rejection according to one of the following procedures:

1. For resolutions, “advisory referenda”, or other initiatives whose only purpose is to express an opinion, or to take such symbolic action as may be incidental to the expression of that opinion:
  - a. The resolution may be placed on the ballot by the relevant Association legislative bodies.
  - b. If a petition of 5 percent of a population of the Association, containing the text of the resolution, is submitted to the Elections Commission at least 21 days prior to the Association Spring Quarter General Election, or at least 14 days prior to any other previously called election involving that population, the Commission shall, unless it or either Association legislative body determines the petition not to be in good order within the limitations of this Constitution, place the initiative on the ballot for the specified population for the specified election. "Not in good order" shall include, but not be limited to, an inappropriate choice of

population. Petitions covering the entire membership of the Association must bear the signatures of 5 percent of the graduate and undergraduate populations separately.

2. For all other initiative measures:
  - a. The initiative may be placed on the ballot by the relevant Association legislative bodies.
  - b. If a petition containing the signatures of at least 10 percent of a population of the Association, containing the text of the initiative, is submitted to the Elections Commission, the Commission shall place the initiative measure on the ballot for the next election involving the specified population, unless wither the Commission or either Association legislative body determines the petition not to be in good order. "Not in good order" shall include, but not be limited to, an inappropriate choice of population. Petitions covering the entire membership of the Association must bear the signatures of 10 percent of the graduate and undergraduate populations separately.

## **B. Referendum**

1. If a petition of 10 percent of a population of the Association, stating the legislation of the corresponding Association legislative body on which the referendum is requested, is submitted to the Elections Commission within 21 days after that Association legislative body has enacted the legislation in question, not counting days between quarters, the Commission shall, after the petition was found to be valid, place the initiative measure on the ballot for the next election involving that population, so long as the petition is found to be in good order. Petitions covering then entire membership of the Association must bear the signatures of 15 percent of the graduate and undergraduate populations separately.
2. Once a petition seeking a referendum on a piece of legislation enacted by an Association legislative body has been found to be valid, that piece of legislation shall be suspended pending the outcome of the referendum election. In particular, any funds budgeted or allocated by that Association legislative body which had not been expended or encumbered before the referendum qualified for the ballot shall be frozen pending the outcome of the election. However, any action taken by officers of the Association pursuant to an item of legislation approved by an Association legislative body after it was initially approved, and before a referendum had qualified for the ballot, shall continue to be valid.

## **C. Recall**

### ***1. Petitions***

A petition seeking a recall election shall be submitted to the Elections Commission, as follows:

- a. A petition to recall the President or the Vice President shall not be valid unless it contains the signatures of at least 15 percent of the membership of the Association.
- b. A petition to recall an elected member of an Association legislative body shall not be valid unless it contains the signatures of at least 15 percent of the members of the population or district of the Association that was eligible to vote for that elected member.

### ***2. Verification of Petitions***

- a. The Elections Commission shall, if it determines the signatures on the petition to be authentic and sufficient in number, call and conduct a recall election on two consecutive days, not less than 10 nor more than 21 days after it has made its determination.
- b. If the Commission does not make a determination as to the authenticity of the signatures and their sufficiency in number within 7 days after the petitions have been submitted, its responsibilities devolve upon the President of the Association, or, in the case of a petition to recall the President or the Vice President of the Association, upon the relevant Association legislative body. The President of the Association (or the relevant Association legislative body, if the responsibility devolves upon it) must make its determination as to the authenticity of the signatures and their sufficiency in number within 5 days after such responsibility has devolved upon it from the Elections Commission. If the petitions are determined to be in order, the Elections Commission shall call and conduct a recall election on two

consecutive days not less than 10 nor more than 21 days after the petitions were determined to be in order.

- c. The Constitutional Council shall have the power to investigate any fraud or wrongdoing in the process outlined in section 2(b) above. If such fraud is found, the Council may by a majority vote overturn any ruling on the validity of recall petitions.
- d. If a recall election against the President or the Vice President of the Association is successful, that person shall immediately lose her or his office.

#### **D. Calling of Elections on Issues**

1. An immediate election open to a population of the Association may be called by submission of petitions bearing the signatures of 15 percent of the members of that population to the Elections Commission. Petitions covering the entire membership of the Association must bear the signatures of 15 percent of the graduate and undergraduate populations separately. The election shall be held not less than 7 nor more than 21 days after the Commission has found the petition to be valid. The Association legislative bodies may only find such a petition to be invalid due to an inappropriate choice of population. The Association legislative bodies may not delay such an election except as provided in section F(1) below.
2. Petitions bearing a call for elections may simultaneously bear initiatives, referenda, recalls, amendments to this Constitution. All such simultaneous legislation shall be placed on the ballot in the election, along with any other measures awaiting the approval of that population of the Association.
3. Such elections shall be held in accordance with the rules and regulations set down previously by the Association legislative bodies for an election open to that population of the Association.
4. The Elections Commission shall have the power to certify the results of such an election. Any questions about the validity of the election results shall be referred to the Constitutional Council which shall rule by majority vote on the election's validity.

#### **E. Calling of Association Legislative Body Elections**

1. If petitions bearing the signatures of 20 percent of the members of a population of the Association are submitted to the Elections Commission calling for new elections for the corresponding Association legislative bodies, new elections for those Association legislative bodies shall be called immediately. Petitions covering the entire membership of the Association must bear the signatures of 20 percent of the graduate and undergraduate populations separately. The election shall be held not less than 7 nor more than 21 days after the Commission has found the petition to be valid. The Constitutional Council shall rule by majority vote on any questions about the validity of the petitions. The affected Association legislative bodies shall not have the power to postpone the call for elections except as provided in section F(1) below.
2. Such elections shall not preclude or alter the timing of the Association Spring Quarter General Election.
3. Such elections shall be held in accordance with the rules and regulations set down previously by the Senate for the Association Spring Quarter General Election.
4. The Elections Commission shall have the power to certify the results of such an election. Any questions about the validity of the election results shall be referred to the Constitutional Council, which shall rule by majority vote on the election's validity.
5. Immediately upon certification of the election results, the relevant Association legislative bodies shall disband and the newly elected members of these Association legislative bodies shall constitute the new relevant Association legislative bodies in accordance with all rules and regulations set down in Article II of this Constitution. The relevant Association legislative bodies shall then within 14 days hold their first meeting.

## **F. General**

1. An election on any petition seeking an election under the provisions of this Article which was submitted within 21 days of the end of the quarter may, at the discretion of the relevant Association legislative bodies, be postponed for vote until not more than 21 days after the opening of the following quarter, provided that any such postponement in the spring quarter shall be until the following fall quarter.
2. The relevant Association legislative bodies may, by a two-thirds vote, schedule an earlier election for any item which has qualified for the ballot by petition.
3. No such election conducted under the provisions of this Article shall be conducted except during the fall, winter or spring quarters.
4. The Association legislative bodies shall have the authority to establish regulations defining the proper form for petitions and governing the circulation thereof. All such regulations shall take effect 90 days after they are approved by the relevant Association legislative bodies.

### ***Section 3. Election Procedure***

#### **A. Notice**

The text of each resolution or other initiative measure, and of each item of Association legislative body legislation which is the subject of a referendum, shall be made available by the Elections Commission to all members of the relevant population of the Association at least seven days prior to the ratification election on the amendment, either through publication in the largest general circulation student newspaper and/or mass distribution of flyers or through inclusion in an election handbook distributed to members of the Association. If the latter option is chosen, the title of the proposed initiative or referendum measure, the dates of the election on that measure, and a statement explaining how to obtain a copy of the text of the measure, shall be published in the Stanford student newspaper at least seven days prior to the election.

Public notice of a recall election, including the names of the officer(s) whose recall has been sought and the office(s) they hold, shall be given in the largest general circulation student newspaper and/or mass distribution of flyers at least 7 days prior to the election.

#### **B. Voting**

##### ***1. Initiative***

Each member of the relevant population of the Association may cast one vote in favor of or against each initiative measure. An initiative measure shall be adopted upon approval by a majority of the members of the relevant population of the Association voting on that measure, and provided that those in favor of the measure constitute at least 15 percent of the relevant population. For an initiative measure open to the entire membership of the Association, a majority of both the graduate and undergraduate populations must separately approve the measure, and those in favor within each population must constitute at least 15 percent of their respective populations.

##### ***2. Referendum***

Each member of the relevant population of the Association may cast one vote in favor of or against each item of Association legislative body legislation for which a referendum was sought. The action of the Association legislative body shall be rejected with the concurrence of a majority of those members of the relevant population of the Association voting on the referendum, and provided that those voting against the action constitute at least 15 percent of the relevant population. Otherwise, the action shall be approved. For those referenda open to the entire membership of the Association, a majority of both the graduate and undergraduate populations must separately concur in rejecting the action of the relevant Association legislative bodies, and those concurring within each population must constitute at least 15 percent of their respective populations. Otherwise, the action shall be approved.

**3. Recall**

Each member of the Association may cast one vote either in favor of or against the recall of each officer on whose recall they are eligible to vote, as follows:

- a. All members of the Association may vote on the recall of the President or the Vice President.
- b. In recall elections for elected members of an Association legislative body, only members of the district the member of the [relevant Association legislative bodies]<sup>15</sup> in question represents may vote.

The officer or officers shall be removed from office with the concurrence of 2/3 of the members of the Association voting on her/his recall, as determined by the Elections Commission, provided that those concurring constitute at least 15% of those eligible to vote for removal. If the entire membership of the Association was eligible to vote on a given removal, then approval shall require the concurrence of 2/3 of the graduate and undergraduate populations separately, with those voting in favor of removal within each population constituting at least 15 percent of their respective populations. Any office which becomes vacant as a result of a recall election shall be filled according to the relevant sections of this Constitution.

## **Article VII: Amendment**

### ***Section 1. Submission of Amendments for Ratification***

#### **A. General**

Proposed amendments to this Constitution shall be submitted to a population of the Association for ratification upon approval 2/3 of the membership of each Association legislative body, provided that written notice containing the text of the proposed amendment, the population of the Association that would be eligible to vote on the amendment, and indicating the parts of the Constitution affected thereby had been given at the previous regular meeting, or upon petition by members of the Association, as provided herein. All elections for the ratification of amendments to this Constitution shall be held during the fall, winter or spring quarter. In the event of a typographical error in the Constitution, the Association legislative bodies shall have power to correct the error without a vote of the population of the Association, subject to approval of the Board of Trustees or the President of the University.

#### **B. Petitions**

1. Any member of the Association wishing to propose an amendment to the Constitution shall submit the text of that amendment, along with a statement of which population would be eligible to vote on the proposed amendment, to the Chairs of the relevant legislative bodies.
2. The Chairs of the relevant legislative bodies shall then give notice of that amendment at the next regular meeting of the relevant legislative bodies, which begins at least 24 hours after the proposed amendment was received.
3. If either Association legislative body has not placed the proposed amendment on the ballot for the specified election by the end of the regular meeting of that body following the meeting at which the notice was given, then petitions proposing that amendment may be circulated by members of the Association to the corresponding population of the Association. All such petitions shall contain the text of the proposed amendment, the population that would be eligible to vote on the proposed amendment, and the parts of the Constitution to be affected thereby.
  - a. If such a petition containing the signatures of at least 5 percent of the members of the Association is submitted to the Elections Commission at least 21 days prior to the Association Spring Quarter General Election, or at least 14 days prior to any other general election, the Commission shall place the amendment on the ballot in the election for which the petition was submitted, provided that it finds the petition to be valid. Grounds for the Elections Commission ruling the petition invalid shall include, but not be limited to, an inappropriate choice of population. Either Association legislative body may rule such a petition invalid, but only on the grounds that the choice of population is inappropriate. Petitions covering the entire membership of the Association must bear the signatures of 5 percent of the graduate and undergraduate populations separately.
  - b. If such a petition containing the signatures of at least 15 percent of the members of the Association is submitted to the Elections Commission, the Commission shall, within 48 hours after the petition was found to be valid, call an election, involving the relevant population of the Association, on the amendment except as provided below. Grounds for the Elections Commission ruling a petition invalid shall include, but not be limited to, an inappropriate choice of population. Either Association legislative body may rule such a petition invalid, but only on the grounds that the choice of population is inappropriate. Petitions covering the entire membership of the Association must bear the signatures of 15 percent of the graduate and undergraduate populations separately. The Association legislative bodies may not subsequently amend the call of the election. The election on the amendment shall be held not less than 7 nor more than 21 days after the petitions are submitted to the Elections Commission. However, if they are received within 28 days of the end of the quarter, the Elections Commission may hold the election within the first 14 days of the following quarter. For the purposes of this section, the quarter following the spring quarter shall be the fall quarter.



- c. The Association legislative bodies may, by a vote of 2/3 of each membership, schedule an earlier election for any proposed amendment which has qualified for the ballot.
- d. The Association legislative bodies and the Elections Commission shall share the authority to establish regulations defining the proper form for petitions and governing the circulation thereof.

### **C. Notice**

Each proposed amendment, together with the parts of the Constitution affected thereby, shall be made available to all members of the Association at least seven days prior to the ratification election on the amendment, either through publication in the largest general circulation student newspaper or mass distribution of flyers, or through inclusion in an election handbook distributed to members of the Association. If the latter option is chosen, the title of the proposed amendment, the dates of the ratification election, and a statement explaining how to obtain a copy of the text of the amendment, shall be published in the largest general circulation student newspaper and/or mass distribution of flyers at least seven days prior to the election.

### ***Section 2. Ratification***

A proposed amendment shall be adopted upon its approval by 2/3 of the members of the population the Association voting on the amendment (provided that those voting in favor constitute at least 15 percent of that population of the Association) and its acceptance by the Board of Trustees. The population of the Association eligible to vote on the proposed amendment shall be the population listed in the statement of the proposed amendment. For those proposed amendments on which the entire membership of the Association is eligible to vote, approval shall require 2/3 of both the graduate and undergraduate populations voting to be in favor, and that within each population, those in favor constitute at least 15 percent of their respective populations. The Board of Trustees may designate the President of the University to act on their behalf in accepting such amendments.

### ***Section 3. Unconditional Acceptance***

Should the Board of Trustees (or the University President, if so designated) accept the proposed amendment without condition, it shall take effect immediately, unless the amendment specifies a later effective date.]<sup>16</sup>

### ***Section 4. Acceptance with Conditions***

Should the Board of Trustees (or the University President, if so designated) accept the proposed amendment subject to conditions or interpretations, then the amendment shall take effect only upon the approval of those conditions or interpretations by a vote of 2/3 of the membership of each Association legislative body. The amendment shall take effect immediately upon such approval, unless the amendment specifies a later effective date. [All approved letters of acceptance specifying conditions or interpretations of the Board of Trustees (or the University President, if so designated) shall be included in this Constitution.]<sup>17</sup>

### ***Section 5. Finality of Acceptance***

Once an amendment has taken effect, any additional conditions or interpretations by the Board of Trustees (or the University President, if so designated) may only be imposed by amendment to this Constitution as outlined in this article.

### ***[Section 6. Integrity of This Document***

The official text of this Constitution shall consist of its original text and letters of acceptance, appended with its amendments and associated letters of acceptance, numbered sequentially. All amendments that are placed on the ballot shall be numbered sequentially without regard to year.]<sup>18</sup>

## **Article VIII: Disposition of Assets in the Event of Dissolution of the Association**

### ***Section 1. Property of the Association***

Should this Association cease to exist, all its property shall be held in trust by the University for a period of not less than five years. If any general student association be formed and recognized within a five-year period by a majority vote of registered students at the University during an election in which over 15 percent of said students voted, then all such property so held shall remain and belong to this successor organization. If no such general student organization succeeds to the present Association within the specified five years, unqualified title to all the property of the Association shall then be vested in the University.

### ***Section 2. Property in the Custody of the Association***

Should this Association cease to exist, property in the custody of the Association, including monies deposited in the Students' Organizations Fund, shall, if the owner organization continues in existence, be held by the University for the owner organization upon the same terms and conditions as the Association held such property.

## **Appendix A: Selected Letters of Acceptance**

The following are selected letters of acceptance of amendments to this Constitution. These letters are as binding as the text of the Constitution itself. However, some of their provisions have been superceded by the text of later amendments and/or their letters of acceptance. In addition, references to specific sections in the Constitution may not be accurate due to periodic renumbering of sections after their amendment.

## **Section 1: Initial Acceptance of the Constitution**

September 26, 1969

Mr. Patrick C. Shea, President

Associated Students of Stanford University

Stanford, Ca. 94305

Dear Mr. Shea:

In a resolution passed at their regular meeting on May 13, 1969, the Board of Trustees delegated to me their authority to approve the new ASSU Constitution, "with the understanding that the President will introduce a suitable preamble or include other statements of interpretations or reservations as may be appropriate." This letter is to inform you of my approval of the Constitution, together with such items of interpretation and reservation as I believe are relevant and necessary to provide first for an orderly transition from student government under the old system to the new, and second for orderly development of the new system in the spirit set forth in its Constitution. It is appropriate that a general statement of approval be made, and the following is that statement: By approval of this Constitution, Stanford University authorizes the Associated Students of Stanford University to assume and discharge major obligations in the governance of student affairs and activities within the educational purposes of the University, and within the structure of policies and regulations established through the President of the University and the Board of Trustees. In addition to the general statement, my approval of the Constitution is made with the following comments:

In Article II, Section 2, B-2, I interpret the words "General Studies" to mean "without a declared major." This is consistent with the intent of the Constitution and it allows for whatever changes in nomenclature may result from adoption of recommendations of the Study of Education at Stanford and other proposals.

Although there is no express provision for reapportionment of the Senate, I interpret the care evident in the apportioning of representation to imply that reasonable diligence will be exercised in maintaining fairness of apportionment among the various constituencies.

It seems clear that the Committee on Nominations as described in Article II, Section 9 cannot be brought into being this fall because of the Constitution's provisions for its staffing. The important work of that committee must not be allowed to go undone. I think that the ASSU President and Senate should devise an appropriate interim nomination process subject to the reservation that it reflect the spirit of the arrangements provided for in Article II, Section 9.

Article II, Section 9, E is interpreted as applying only to Committees of the ASSU.

Since the present Legislative and Judicial Charter, as amended, was approved by more than two-thirds of those students voting in a referendum, I interpret nothing in the new Constitution as disestablishing any existing judicial process.

Although various matters of right and procedure are embodied in Article IV of the new Constitution, these do not preclude the SJC and SCLC from establishing others which are consistent with their Charter and Constitution.

The authority to collect fees accrues to the Controller from the President; and thus the President bears ultimate residual and responsibility for the equitable assessment of fees, and for their use being consistent with the educational purposes of the University. I therefore think it important to establish early agreement, after implementation of Article II, on funding for the essential operating expenses of the Association and the total fees, and their assessment and collection. Also, I think it is important to assure that any referendum for the purpose of establishing fees have approval by a large enough percentage of the student community to be a convincing expression of the will of the entire body being taxed. It is also necessary to clarify the important matter of the University's fiscal obligations to ASSU under the terms of

the new Constitution and independent fee structure. I am, therefore, designating the Provost, Dean of Students, and Controller, or their designees, to act in my behalf with the ASSU President, Financial Manager, and two members of the Student Senate as a committee to consider and develop a general consensus concerning these points, after which the committee will be discharged.

For the year 1969-70, \$123,000 of University general funds are allocated to the Association for the conduct of its business. Until such time as the Senate has approved the ASSU budget in detail, the Dean of Students, Student Financial Manager, and ASSU President are authorized collectively to approve allocations from this sum. In doing this, they should take into account the special needs of those organizations whose program expenditures occur primarily during Autumn Quarter, and those prior items of budget that were tentatively approved by the old Legislature of the ASSU.

When the ASSU budget has been passed by the Senate, and subsequently approved by the University President, and when the committee named in (7.) has reached agreement on funding, fee arrangements, and questions of fiscal responsibility, the stewardship of the Dean of Students as Financial Director of the Association will cease.

It is my opinion that the new Constitution fails to provide sufficient time before the end of the regular academic year for the training of a successor Financial Manager by the incumbent. The responsibilities of this position are such that a greater "overlap" is desirable. I wish to express a general reservation about existing arrangements, and state that it is my hope that this defect will receive prompt attention from the ASSU President and Senate.

Secretarial and other staff members of the Association Office shall be employees of the University, and the Association shall be charged for their services at a rate which shall equal the cost to the University of their salaries plus staff benefits. As provided in the Constitution, they shall function under the supervision of the Association President.

I trust that the ASSU President and Senate will give early attention to the question of liability for libel, and will establish such mechanisms as are necessary for the protection of the Association and the University from charges arising from statements in publications printed by ASSU or published under its auspices.

As the representative legislative body of the Association, I think it is appropriate for the Senate to interpret itself as replacing the old LASSU where LASSU involvement has been defined in other areas of University governance.

Finally, I am happy to express my best wishes to the Association for its vitality and prosperity under its new Constitution.

Very Sincerely Yours,

K.S. Pitzer

President

## **Section 2: Elaboration on Association Finances**

March 3, 1970

Mr. David Edwards

Mr. John Grube

Mr. Patrick Shea

Associated Students

Stanford University

205 Tresidder Memorial Union

Gentlemen:

On the basis of the recommendations of the ad hoc Committee on ASSU Finances and consultation with University officers and other interested persons, I am writing to inform you of my approval of the new ASSU Constitution's provisions on finance, with the establishment of the following arrangements and procedures:

### **Funding**

The University will provide general funds support for the basic operating costs of the ASSU. Activities considered to be included in operations are the expenses of the ASSU Office and the Students' Organizations Fund, the senior officers of the Association, and the elections and judicial aide apparatus. A suggested budget which provides for these categories has been developed by the ad hoc group, and it is appended to this letter. Once the operating budget has been approved by the ASSU Senate, it will be augmented by annual University maintenance increases to reflect costs of living, as are regular University departments. Renegotiation of the basic budget, apart from these yearly adjustments, will take place on a not more than biannual basis, beginning with the operating budget for the year 1972-73. Such negotiations will be incorporated into the regular University budget cycle.

Funds for programs sponsored by the ASSU, such as commissions, publications, or other member groups, are to be paid directly by the student body as a supplement to the University's regular tuition. The amount of this ASSU "program fee" will be determined by members of the Association, via referendum. The mechanics of the fee referendum were developed by the ad hoc Committee, and are detailed below.

I am asking the ASSU Senate to establish an audit committee, to be composed of at least three members of the Association and at least one University representative nominated by the Controller. This group will be responsible for

- the selection of the required independent auditor for ASSU;
- such interim reviews of procedures or financial status as it deems necessary; and
- regular reporting to the Association on its financial position.

The audit committee will receive monthly reports from the ASSU Financial Manager showing the status of all authorized budget accounts (funding, expenses, balances, etc.), and will have access to all bookkeeping and financial records of the Association and the Students' Organizations Fund. I shall continue to approve the fees, assessments, audits, annual budget and selection of the auditor as provided by the Constitution.

### **Fee Referendum**

The general spring election of ASSU will be considered the official referendum for determination of ASSU program fees. In order to provide adequate notice and information to the student body, the following steps will be observed:

the ASSU Senate will set the date(s) of the spring election not later than the end of February each year;

the University will insert with spring registration materials a notice that 1) the referendum is scheduled for the indicated date(s) and that 2) the Controller will consider the referendum results binding on all students who enroll during the subsequent autumn, winter, spring, and/or summer quarters;

the ASSU Senate will establish a referendum task force in February which will review financial requirements of member organizations and prepare a detailed report of the mechanics and program implications/options of the student vote. Priorities for specific programs and any special-item questions (the Daily or the Student Center, for example) would be listed in this report. The document must be made available to students at least fifteen days prior to the first day of voting. The ASSU Senate will also be responsible for seeing that referendum information is published in the Stanford Daily well in advance of the election. The University will audit the results of the program fee voting.

#### Selection of Financial Manager

In my earlier letter, I called attention to the lack of adequate training time for incoming financial managers under the terms of the new Constitution. The ad hoc Committee has made a recommendation in this regard, which I endorse. They call for the establishment of the position of Associate Financial Manager. The AFM would serve from mid-February to mid-June each year. His selection would be made by the committee of four which chooses the Financial Manager, save substitution of the incumbent President for the President-elect. The AFM would be expected to become familiar with the duties and responsibilities of the Financial Manager's office, and would be the prime candidate for the successor position when the committee of four (including the President-elect) could meet in May to name the new Financial Manager.

#### Residual General Funds for 1970-71

The recommended basic operating budget for ASSU for 1970-71 is below the current level of University support for the Association. Since tuition for the coming year has been widely announced, it is not possible to make an adjustment in that rate to reflect the reduction of University funds provided ASSU. Instead, the University will contribute the residual amount as a program base for the Association for this one year. Based on the proposed basic operating budget, this contribution should approximate \$34,000. Starting in 1971-72, general funds will be used only for operating category purposes.

#### Summer Session Funding

The fee established in the spring election will also be assessed from students who enroll during the summer term. Summer officers of ASSU will be expected to expend funds so collected on programs held during the summer school quarter. Anticipating this, it is my hope that the ASSU Senate will give more than casual attention to its approval of summer government officers.

#### Compensation for ASSU Officers

It was the recommendation of the ad hoc Committee that somewhat more realistic salaries (and in some cases tuition grants) be paid to the senior officers of the Association. A parallel recommendation was that the ASSU President, Vice President, and Senate Chairman be permitted to enroll on a half-time basis. The principle is one of recognizing the commitment of energy and time that such service entails, and of facilitating participation in ASSU governance when there may be a case of financial hardship. Should there be an instance where an ASSU officer is also the recipient of University financial support, his combined funding from the ASSU position and University funds will be limited to \$1000 above the established cost of education for the given academic year. I am happy to endorse all of these recommendations.

#### Support for the Stanford Daily

The ad hoc Committee categorized publication subsidies as a program cost of the Association. There will not be any provision for student support of the Daily in the basic operating budget allocation from the University.

#### Fiscal Responsibility

Officers and staff of the ASSU who are responsible for the disbursement of funds will be required to post a fidelity bond prior to assuming their duties.

This concludes, with one exception noted below, the list of arrangements and procedures. By copy of this letter, I am asking members of the ad hoc Committee to be available to discuss the reasoning behind any of these decisions. I hope that members of the Association and the Senate will avail themselves of the Committee's help in the event that there are questions about any aspects of the report or these procedures. The one exception mentioned has to do with the controls exercised over expenditures of funds derived from benefits held by student organizations. I am not persuaded that our present procedures are adequate, and intend in the near future to have them examined in detail. Of course, the ASSU will be involved in that process. Finally, I wish to express my hope that the ASSU will work to become a financially independent and self-sustaining student association in the future. There is much to commend such a posture, including greater responsibility and flexibility. I believe that it is a goal which we can work together to realize.

Yours very sincerely,

K.S. Pitzer

President



### **Section 3: Letter Accepting 1972 Amendments**

November 28, 1972

Mr. Scott Burke

President

Associated Students of Stanford University

Tresidder Memorial Union

Stanford, California

Dear Mr. Burke:

The President, by delegation from the Board of Trustees, is empowered to approve all amendments to the ASSU Constitution. This letter is to inform you of my approval of the amendments to the ASSU Constitution passed by the student body on October 5 and 6, 1972, and to describe procedures for their implementation which I believe are relevant and necessary to ensure that the procedures of the ASSU are in accord with University procedures. I ask that this letter be incorporated with the text of the Constitution. The amendments concerning changes in the Student Senate and new recall procedures for ASSU officers are accepted without interpretation. I hope that these changes will help the ASSU Senate to be an effective voice in the Stanford community. I accept the revision to Article II, 9A with the understanding that it applies to the "nomination" of student members, with appointment made by the Board of Trustees as has been the practice. The amendments to the ASSU fee assessment procedures must be implemented so that they mesh with the University procedures for the collection of approved fees. There are two administrative requirements. First, the results of the referendum authorizing a fee, properly certified in accordance with the ASSU Constitution and By-Laws, must be approved by the President. Second, the Registrar must be notified of any such approved fee at a time sufficiently in advance of the end of a quarter so that he can include information about the fee in the advance registration materials if the fee is to be collected in the following quarter. At present these two requirements make it necessary that the President be given the certified results of a fee referendum no later than three working days prior to forty days before the end of the quarter preceding the quarter in which the fee is to be collected. This time requirement may be changed if the Registrar agrees that he needs less than forty days notice, the time now required, in order to get the fee information into the advance registration materials. In the event of such an agreement the certified results should be provided the President three working days before the deadline established by the Registrar. It should be recognized that these time requirements necessitate the initiation of any fee referendum very early in any quarter if it is intended that the fee is to be collected in the following quarter. Indeed, it seems that the ASSU Constitutional requirements of notice, plus the requirements of certification, approval and notice to the Registrar could (given the current needs of the Registrar), most likely be met only if the process leading to a referendum were begun two quarters in advance of the quarter in which the fee is to be collected. In this connection, attention should be paid to the fact that Spring Quarter is usually the shortest quarter, about seventy-three days. It would thus be difficult at best to meet the ASSU notice requirements and the Registrar's current needs if the process for collection of a fee in Autumn Quarter did not commence until the beginning of Spring Quarter. I understand that you are presently in consultation with the Dean of Student Affairs with regard to how best to schedule referenda for the remainder of this year. It would be prudent if each year the ASSU officers agreed with administration representatives on the scheduling requirements. This could avoid misunderstanding at some later time. I wish to emphasize that the burden of complying with these amendments rests solely with the officers of the ASSU. We will not consider the results of a referendum until they are formally transmitted to the President by the appropriate ASSU officer, certified in accordance with ASSU procedures. The Registrar will not include any notice of the fees, and the University will not collect said fees unless the officers of the ASSU meet the necessary time requirements. This stipulation supports the autonomy which is fundamental to the effective

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functioning of the ASSU. Finally, I am happy to express my best wishes to the Association in its new attempts for vitality and prosperity.

Sincerely,

William F. Miller

Vice President and Provost

and Acting President

## Section 4: Letter Accepting 1982 Amendments

August 21, 1982

Dear Presidents Beckstrom, Epstein, Mathewson, and Townsend:

I write to approve the amendments to the ASSU Constitution which passed in the general election of last Spring and as subsequently presented to me in your letter of June 1, 1982. Specifically: SENATE BILL XII-SEN-BIL-RU-16 which amends Article II to provide for the constitutional structure of the Nominations Commission; SENATE BILL XII-SEN-BIL-RU-18 which amends Articles II and III to provide in the Constitution for the transition during Spring Quarter of the Senate and Council of Presidents; SENATE BILL XII-SEN-BILL-FA-23 which amends Article V to provide for the reform of the fee assessment system; and SENATE BILL XII-SEN-BIL-RU-20 which amends Article VII to provide in the Constitution for the disposition of assets in the event of the dissolution of the Association. My approval of the fee assessment reforms is with the understanding that:

The governing board of each of the three components of the Association Fee (Publications Board, Program Board, and Academic Organizations Board) will establish guidelines that help organizations know who is eligible to receive funds, how and when funds are applied for and allocated, and what such funds may and may not be used for.

That there will be a full and open accounting to students of how the respective boards allocated the funds (to what organizations, in what amounts, and for what purposes); and how the funds were actually spent.

That there is no change in the collection processes agreed upon by the University and the Association whereby fees are voted in the spring election only and approved in a timely manner shortly thereafter.

I know something about the great amount of work and patience that went into seeing these amendments through the political, electoral, and approval processes. It was done with skill, good motive, and making well the case for each to the ASSU legislature, to members of the Association, and me.

Sincerely,

Donald Kennedy

President

## **Section 5: Senate Resolution Concerning the 1982 Letter of Acceptance**

September 28, 1982

Whereas, President Donald Kennedy, acting for the Board of Trustees, has approved, in his letter of August 21 1982, of the proposed changes to the Association Constitution,

Whereas, the changes proposed in Senate bills XII-SEN-BIL-RU-18 and XII-SEN-BIL-RU-20 were approved with no additional qualifications or understandings,

Whereas, the changes proposed in Senate bill XII-SEN-BIL-RU-16 were approved with the understanding that certain terms would be defined as they were presented in the text of the bill,

Whereas, the changes proposed in Senate bill XII-SEN-BIL-RU-23 were approved with qualifications and understanding presented in the letter of approval,

Be it resolved by the Senate of the Association That the approval granted is recognized, thus completing the formal amendment process, and that the expressed qualifications and understandings are accepted as being as binding as the text of the amendments themselves, with the additional qualification that nothing shall prevent the Association from creating, abolishing, or modifying the structure of the agencies established to distribute funds from the Association Fee, provided that any successor organization complies with the requirements specified in the Constitution and the letter of approval.

## Section 6: Letter Accepting Spring 1984 Amendment

July 24, 1984

Ms. Melissa Auchard  
Chair, ASSU Council of Presidents  
Associated Students of Stanford University  
Tresidder Memorial Union  
Stanford, California 94305

Dear Melissa:

I write to approve the... amendment of the ASSU Constitution which passed in the general election this spring and which [was] subsequently presented to me in your letter of June 15, 1984. My approval of the amendment is with the following understandings:

The amendment states that in the event of a vacancy in the position of Financial Manager, the Council of Presidents' could appoint an Acting Financial Manager to serve until a permanent appointment is made (Article V, Section 8, B-5). I interpret the limitation of allowing this Acting Financial Manager to serve for "no more than 14 days" to mean "without confirmation by the Senate." It may take more than 14 days to advertise the vacancy, receive application, conduct interviews, and otherwise conduct a proper search.

The amendment forbids the Financial Manager from accepting any regular outside employment outside the Association unless the Senate consents (Article V, Section 8, B-7). I can only support the intent of this provision, not the method or the language by which the intent is carried out. You have every right to take steps to insure that a Financial Manager performs the job according to fair standards which you set, including the right to know what other major time commitments a candidate has which could affect the ability to do this job. But the ASSU should not restrict what a student does on his or her own time unless there is a conflict of interest. Accordingly, the amendment embodied by Article V, Section 8, B-7 is not accepted. I suggest you consider a new amendment during your next regular election in which you find a way to meet your purposes without undue intervention in the personal activities of employees.

I know that the provision requiring an annual audit was not changed (Article V, Section 9-D). I simply want to reiterate that the request in President Pitzer's Letter of Acceptance of March 3, 1970—namely, that an audit committee should be established— still holds. The Committee should include a representative of the Controller's Office, but its exact charge should be defined in a way that makes sense today, given the existence of a Senate Finance Committee.

My acceptance of the amendment to Article V, Section 1, is with the understanding that the total amount of the Association Fee set by the Senate may be contingent on the success or failure of one or more Special Fee requests on the ballot in the Spring quarter general election, provided that both any contingent amounts and the non-contingent or base amount are approved by the Senate prior to the election, in accordance with the provisions of this Section.

Sincerely,

Donald Kennedy

President

## **Section 7: Senate Resolution Concerning the 1984 Letters of Acceptance**

January 16, 1985

Whereas, an amendment to the Association Constitution entitled "Reorganization of the Finances of the Association" was approved by the members of the Association in the April 1984 election, and was subsequently approved by the President of the University in a letter dated July 24, 1984, subject to four conditions or "understandings";

Whereas, several amendments to Articles II and V of the Association Constitution were approved by the members of the Association in the October 1984 election, and were subsequently approved by the President of the University without condition in a letter dated December 18, 1984;

Whereas, the sections of the Constitution which were the subject of the first, second, and fourth conditions stipulated by the President in his acceptance of the "Reorganization of the Finances of the Association" amendment were replaced by amendments approved in the October 1984 election;

Be It Therefore Resolved by the Senate of the Association: That the approval by the President of the University of the "Reorganization of the Finances of the Association" is accepted, thus completing the process of ratification, with the understanding that the first, second, and fourth conditions stipulated by the President are no longer in effect, since the sections of the Constitution to which they refer have been replaced.

## Section 8: Letter Accepting Spring 1986 Amendments

June 4, 1986

T. Carey White  
Chair, ASSU Senate  
Associated Student of Stanford University  
Tresidder Memorial Union  
Stanford, California 94305

Dear Carey:

I write to approve the amendments to the ASSU Constitution which passed in the general election this Spring Quarter, and which were presented to me in your letter of May 7, 1986. Those amendments include: SENATE BILL XVI-CA-4, which amends Article VII "to modify the process for amending the Constitution"; SENATE BILL XVI-CA-5, which amends Article VI "to strengthen the constitutional provisions for initiative and referendum and modernize the provisions for recall"; SENATE BILL XVI-CA-6, which amends Article V "to let the students set the association fee". My approval of XVI-CA-6 is with the understanding that:

A vote to abolish or to modify the base amount of a General Fee, under Section C, will take precedence over a vote to raise or lower that Fee, under Section B;

An effort to divide an existing General Fee will be constructed as a proposal to modify the base amount of that Fee and create one or more new Fees, under Section C;

The "lower limit" referred to in Section C will be one lower limit applied to every General Fee in a given election;

The ratification of this amendment will not change the level of the 1986-87 Association Fee, which has already been established;

The base amounts for Program Board and Publications Board General Fees in the Spring, 1987, general election will be their respective shares of the 1986-87 Association Fee.

I wish you and the Association well in effecting these amendments.

Sincerely,  
Donald Kennedy  
President

## Section 9: Letter Accepting Spring 1996 Amendments

May 10, 1996

Council of Presidents  
Associated Students of Stanford University  
Stanford, CA 94305

Re: Acceptance of Amendments to the ASSU Constitution

Dear Council of Presidents,

The purpose of this letter is to communicate to you the conclusions I have reached after reviewing the ASSU constitutional amendments passed in this Spring's election.

It appears to me that a significant portion of Constitution 96 remains unchanged from the current Constitution. I thus consider the amendments as additions and deletions to the current Constitution rather than as a completely new document, and I have therefore limited my review to those changes to the current Constitution.

As a matter of educational philosophy, the University subscribes to the view that the student body should be given wide latitude in creating the forms and functions of student government, and in addressing the issues and activities within the purview of that student government. I believe that the history of the relationship between the ASSU and the University has borne out the successful nature of this approach. For this reason, the amendments to the Constitution relating to issues such as the structure and composition of the Legislative and Executive Branches, the committee system, the new Constitutional Council, the activities of the Elections Commission, etc., create no significant issues. The overwhelming majority of the amendments -- and indeed all of the changes that appeared to be the focus of the election -- fall into this category.

A few of the amendments, however, cause me to have significant legal concerns. These amendments could create serious and (I believe) unintended consequences unless placed in the proper context.

The University thus hereby transmits its acceptance of the Spring 1996 amendments to the ASSU Constitution, subject to the conditions and interpretations stated below:

1. The University approves the amendments on the condition that each and every provision in the Constitution, including Article I, Section 6, be interpreted in light of and subject to the terms of the following introductory clause which is to precede the Constitution (which clause is drawn from language required by the Board of Trustees as a condition of its approval of the 1963 Constitution):

“In order to encourage responsible citizenship and the exercise of individual and corporate responsibility on the part of students in the government of student affairs and activities, Stanford University, by approval of this Constitution, authorizes the Associated Students of Stanford University to exercise and discharge major privileges and responsibilities within the framework of policies and regulations established by the University through the President of the University and the Board of Trustees.”

This approval is conditioned on the understanding that the Board of Trustees retains ultimate and final authority over the University under law and under the Founding Grant, anything to the contrary stated or suggested in this Constitution notwithstanding.



It should be noted that the relationship between the University and the ASSU is a multifaceted and long-standing one. All students who enroll at the University are required, as a matter of University policy, to become members of the ASSU, and the University collects student fees on behalf of the ASSU. The University looks to the ASSU to provide forms of government and services, such as a banking mechanism for student organizations. The ASSU nominates students for appointment to serve on University committees. The University provides space for the functions of the ASSU, assists in the audit of its books and provides the insurance services of the University's self-insurance reserve. The University's name is allowed to be in the name of the Association. The broad language of "independence" found in Article I, Section 6 does not, in the absence of the context provided above by the introductory clause, accurately reflect the interrelationships between the ASSU and the University -- many of which are reflected in the provisions of the Constitution itself.

Moreover, under the terms of the Founding Grant, it is specifically provided that the Trustees "shall have power, and it shall be their duty...(t)o manage and control the institution hereby founded" (emphasis added). Although (for example) the Board of Trustees has delegated broad powers to the faculty via the Academic Council to address matters of academic policy, even in that arena the Board of Trustees has reserved to itself the power to approve and disapprove faculty action. Similarly, the Board cannot abdicate its responsibilities under the Founding Grant by ceding management and control in the area of student affairs.

In approving a new constitution in 1969, President Pitzer used similar language to that required by the Board of Trustees in 1963. In my view, the introductory clause required above states the proper relationship between the ASSU and the University, and the terms of this Constitution are therefore to be interpreted in light of and are subject to it.

I invite the ASSU to work with representatives of the University starting in the Fall to clarify any aspects of the relationship that need attention. I am looking forward to discussing these matters further with you in my first meeting with the ASSU Senate in the Fall.

2. The reference in Article I, Section 7 (2) to "all meetings of bodies" is interpreted to mean "all meetings of student bodies."
3. Article I, Section 8 is interpreted to mean that "[t]he power to amend this Constitution [which] shall in perpetuity be vested in the members of the Association" shall be exercised pursuant to the terms and procedures of Article VII of this Constitution.
4. The reference to "constitutionality" in Article IV, Section 2 A and throughout is interpreted to mean "constitutionality under the ASSU Constitution."
5. Because the Constitution is silent on this point, it is my understanding that the initial membership in the Constitutional Council described in Article IV, Section 2 B will be selected in the manner set forth in Section 2 B (2) of that Article.
6. The statement in Article IV, Section 2 D that "[t]he Council shall not have the power to indict" is interpreted to mean that the Constitutional Council shall play no role in the process of student discipline in any fashion.
7. The amendment that proposes to delete Article V, Section 2 F (which Section 2 F reads "Approval of the University: Upon certification of the appropriate election result, the Senate shall submit all those Special Fee requests which were approved by the Association, and the General Fee amounts authorized by the Association, to the President of the University for his or her approval") is interpreted as follows: that the University, of

course, retains the ability not to collect any fee that it finds to be contrary to the policies and regulations established by the University or outside of the educational mission of the University.

For the reasons already discussed concerning the relationship between the ASSU and the University, and for the further reason that (under Article V, Section 3 B) it is the University that collects on behalf of the ASSU the fees that the ASSU imposes on the University's students, this understanding is necessary and is a condition to the University's acceptance of the amendments to the Constitution.

8. The amendment adding the second and third sentences to Article VII, Section 3 ("Failure of the Board (or the University President, if so designated) to take action within 90-days of receipt of the proposed amendment, or some later date as approved by a two-thirds vote of the Senate, shall constitute unconditional acceptance of the amendment. It shall take effect immediately, unless the amendment specifies a later date.") is not approved. Although I am confident that I or a future president of the University would act expeditiously in reviewing submitted amendments, one can readily imagine a situation in which either the issues involved or the surrounding circumstances, or both, would make the 90 day deadline unreasonable. In addition, and for reasons stated later in this letter, it is inappropriate for this amendment to seek to impose such a requirement on the University.
9. Pursuant to the terms of the last sentence of Article VII, Section 4, the approved Letters of Acceptance specifying conditions or interpretations of the Board of Trustees or of the President of the University -- including those letters from the period of 1969 to the present currently appended to the Constitution, as well as this letter -- shall continue to be included in and be a part of the Constitution, and should be placed in an appendix thereto.

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Finally, let me note two additional matters that do not rise to the level of conditions or interpretations for the purposes of acceptance. First, although the University is not withholding its approval of the amendment to Article V, Section 8 B (6) stating that the Financial Manager of the ASSU need not be a member of the Association, let me state my strong view that student organizations should be student run. Second, although Constitution 96 did not include an amendment to those portions of Article V, Section 6 that relate to an Operating Budget Allowance, it should be noted that the University no longer provides such a subvention to the ASSU.

In giving its acceptance and approval as stated above, the University authorizes the ASSU to assume and discharge major obligations in the governance of student affairs and activities within the University's educational purposes. I wish the ASSU well in effectuating these amendments and making a successful transition to its new structure of government.

Sincerely,  
Gerhard Casper

## Section 10: Letter Accepting Spring 1997 Amendments

16 October, 1997

Ms. Emily Andrus  
ASSU President  
205 Tresidder Memorial Union  
MC 3070

Dear Emily,

I hereby approve the attached amendments to the ASSU Constitution as passed in the 1997 Spring General Election with, at your request, the following modifications:

1. AMENDMENT 1: Article VII, Section 1, Subsection B, Paragraphs 1-3 and Subsections 1-4: Replace nor with not in the sentence: "If the Senate has not placed the proposed amendment on the ballot for the specified election by the end of the regular meeting of the Senate following the meeting at which the notice was given, then petitions proposing that amendment may be circulated by members of the Association."
2. AMENDMENT 1. Article VI, Section 1 should be modified to read:  
  
"Section 1: Powers of the Membership of the Association  
  
D. Calling of Elections  
  1. The Association shall have the power to call an election at any time.
  2. General elections are those in which all members of the Association are eligible to vote.
  3. Special elections are those in which only a well-defined subset of the Association is eligible to vote.
  4. The Association Spring Quarter General Election is the particular general election which shall be held on two consecutive weekdays during the second, third, or fourth week of spring quarter."
3. AMENDMENT 2: Article VII, Section 6: "Integrity of this Document. The official text of this constitution shall consist of its original text and letters of acceptance, appended with its amendments and associated letters of acceptance, numbered sequentially. All amendments that are placed on the ballot shall be numbered sequentially without regard for year."  
  
I interpret this to mean that a master file of the constitution with amendments and associated letters of acceptance as described above will be kept by ASSU; however the standard working document will reflect all edited changes.
4. AMENDMENT 3: Article IV, Section 2, Subsection C, Paragraph 1 should be modified to read: "Unless a majority of the Council deems it frivolous, the chair of the Council shall call a meeting of the Council within seven days of receipt of petitions of 5 percent of the members of the Association, a written request of the President or Vice President, or a petition signed by 5 members of the Senate."
5. AMENDMENT 4: Article I, Section 7, Subsection 7, Paragraph 1 should be modified to read Article 1, Section 7, Subsection 7, Paragraph 1.

Constitution of the Associated Students of Stanford University

6. AMENDMENT 7: Article II, Section C, Subsection 6 should be modified to read Article II, Section 2, Subsection C, Paragraph 6., Subparagraphs 1-4. The passage which reads “6. Unless and until the Senate reapportions districts...of their choice.” Should be struck in its entirety.

This letter also includes my approval of the Student Judicial Charter of 1997 which will be put into effect as of January 1, 1998.

In addition, I am in receipt of the ASSU General and Special Fees for the 1997-98 academic year, as passed in the Spring General Election and certified by the ASSU Senate. The fees have been reviewed and are found to be in support of University policy and regulations and have been forwarded to the appropriate offices for collection and distribution to the ASSU.

With best wishes for a successful year,

Sincerely,  
Gerhard Casper

## Section 11: Letter Accepting Spring 1999 Amendments

October 1, 1999

Mike Levin  
President  
Associated Students of Stanford University  
Stanford, CA 94305

Dear Mike,

I write in response to the ASSU request for approval of its Spring 1999 Constitutional Amendments, as submitted to me on May 5, 1999 by 1998-99 ASSU President Maren Norton.

As you know from my letter of June 1, 1999, the amendments included a number of substantial changes and required considerable thought and review. Early discussions regarding the proposed amendments raised a number of issues. I understand that the ASSU leadership and the Dean of Students and his staff met this summer to address these issues and develop possible solutions that could serve as interpretations or conditions for my approval. I have reviewed the conclusions of the working group and have used them as the basis for the interpretations and conditions included in this letter.

The separation of the existing ASSU singular structure into a dual undergraduate and graduate one is a change that I understand and am willing to support. It is my hope that this change will help the ASSU strengthen its ability to serve all Stanford students.

The University thus hereby transmits its acceptance of the Spring 1999 Constitutional Amendments, subject to the conditions and interpretations stated below:

### Interpretations and Conditions

1. That the references to "consensus" in Article III, Section 6 shall be interpreted to mean "an opinion or position reached by a group as a whole, where each member of the group is willing to accede to the decision."
2. That Article III, Section 6.6 shall be understood to mean that in the absence of consensus, there will be no joint meeting of the Association legislative bodies.
3. That Article III, Section 6.7 shall be interpreted to mean that for items of business that the Executive Committee deems deserving of joint consideration, these items must be approved by both legislative bodies according to procedures identified in the Constitution or in each legislative body's respective By-Laws; and that without such approval from both legislative bodies, no action is taken.
4. That Article V, Section 9.C.1, C.2, and D and Article VI, Section 4.B.3.b be approved with the interpretation that the words "the Senate" refer to "the relevant Association legislative bodies."
5. The second and third sentences of Article VII, Section 3 (unconditional acceptance if the University takes no action on the proposed amendment within 90 days) were apparently sought to be reintroduced in the 1999 Spring Constitutional Amendments even though I rejected such a clause in my May 10, 1996 letter of acceptance of the Spring 1996 Constitutional Amendments. I stand by my earlier rejection of this section, in which I stated:

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"Although I am confident that I or a future president of the University would act expeditiously in reviewing submitted amendments, one can readily imagine a situation in which either the issues involved or the surrounding circumstances, or both, would make the 90 day deadline unreasonable. In addition, and for reasons stated in this letter, it is inappropriate for this amendment to seek to impose such a requirement on the University."

I believe that it would be constructive to reiterate what those reasons were and are. In that May 10, 1996 letter, I began by noting that:

"As a matter of educational philosophy, the University subscribes to the view that the student body should be given wide latitude in creating the forms and functions of student government, and in addressing the issues and activities within the purview of that student government. I believe that the history of the relationship between the ASSU and the University has borne out the successful nature of this approach."

I went on to state, however, particularly in reference to proposed Article I, Section 6 ("Independence"), the following condition for my approval:

"The University approves the amendments on the condition that each and every provision in the Constitution, including Article I, Section 6, be interpreted in light of and subject to the terms of the following introductory clause which is to precede the Constitution (which clause is drawn from language required by the Board of Trustees as a condition of its approval of the 1963 Constitution):

'In order to encourage responsible citizenship and the exercise of individual and corporate responsibility on the part of students in the government of student affairs and activities, Stanford University, by approval of this Constitution, authorizes the Associated Students of Stanford University to exercise and discharge major privileges and responsibilities within the framework of policies and regulations established by the University through the President of the University and the Board of Trustees.'

This approval is conditioned on the understanding that the Board of Trustees retains ultimate and final authority over the University under law and under the Founding Grant, anything to the contrary stated or suggested in this Constitution notwithstanding."

I explained that this condition was appropriate in light of the relationship between the University and the ASSU:

"It should be noted that the relationship between the University and the ASSU is a multifaceted and long-standing one. All students who enroll at the University are required, as a matter of University policy, to become members of the ASSU, and the University collects student fees on behalf of the ASSU. The University looks to the ASSU to provide forms of government and services, such as a banking mechanism for student organizations. The ASSU nominates students for appointment to serve on University committees. The University provides space for the functions of the ASSU, assists in the audit of its books and provides the insurance services of the University's self-insurance reserve. The University's name is allowed to be in the name of the Association. The broad language of 'independence' found in Article I, Section 6 does not, in the absence of the context provided above by the introductory clause, accurately reflect the interrelationships between the ASSU and the University - many of which are reflected in the provisions of the Constitution itself."

I noted that the condition imposed also comported with the duties of the Board of Trustees:

"Moreover, under the terms of the Founding Grant, it is specifically provided that the Trustees "shall have power, and it shall be their duty...(t)o manage and control the institution hereby founded" (emphasis added). Although (for example) the Board of Trustees has delegated broad

powers to the faculty via the Academic Council to address matters of academic policy, even in that arena the Board of Trustees has reserved to itself the power to approve and disapprove faculty action. Similarly, the Board cannot abdicate its responsibilities under the Founding Grant by ceding management and control in the area of student affairs."

I concluded by stating:

"In approving a new constitution in 1969, President Pitzer used similar language to that required by the Board of Trustees in 1963. In my view, the introductory clause required above states the proper relationship between the ASSU and the University, and the terms of this Constitution are therefore to be interpreted in light of and are subject to it."

Three years after my May 10, 1996 letter, my views remain the same, both on the broader question of the relationship between the ASSU and the University, and on the narrower question of the proposed provision - which I once again reject.

#### Other Comments

Along with my formal review and approval of the Spring 1999 Constitutional Amendments, I wish to raise a few additional concerns that do not rise to the significance of an interpretation or condition - but are nonetheless important in my view to preserving an effective relationship between the ASSU and the University.

First, I wish to speak to the definition of subsets of the Association as set forth in Article I, Section 2.2. It is the University Registrar who has the responsibility and authority to determine undergraduate or graduate student status.

Second, in my letter approving and interpreting the Spring 1997 Constitutional Amendments, I stated my interpretation of the amendment adding Article VII, Section 6 (which elaborated on Article VII, Section 4) as follows:

"AMENDMENT 2: Article VII, Section 6: 'Integrity of this Document. The official text of this constitution shall consist of its original text and letters of acceptance, appended with its amendments and associated letters of acceptance, numbered sequentially. All amendments that are placed on the ballot shall be numbered sequentially without regard for year.'

I interpret this to mean that a master file of the constitution with amendments and associated letters of acceptance as described above will be kept by ASSU [sic]; however the standard working document will reflect all edited changes." (emphasis added)

It is my understanding, however, that the Constitution, as amended from time to time, has not clearly reflected the substance of past presidential letters of acceptance. For example, the 90-day unconditional acceptance provision remained in 1997, 1998, and 1999 working copies of the Constitution even though I rejected this provision in 1996. Furthermore, those working copies did not include "the introductory clause [quoted above] which is to precede the Constitution" concerning the authority of the ASSU, as imposed as a condition of approval of the Spring 1996 Constitutional Amendments. I encourage the ASSU to prepare future working copies - as well as future constitutional amendments - with the care and attention befitting a Constitution designed to provide a sense of order and clarity for the student body. In particular, I encourage the ASSU (perhaps through its Constitutional Council) to undertake the task during academic year 1999-2000 of creating a definitive working version of the ASSU Constitution - one that is current,

accurate and clearly annotated.<sup>1</sup> This process could compensate for the awkwardness of the current situation, as described in the preface to Appendix A to the Constitution ("Selected Letters of Acceptance"):

"The following are selected letters of acceptance of amendments to this Constitution. These letters are as binding as the text of the Constitution itself. However, some of their provisions have been superseded by the text of later amendments and/or their letters of acceptance. In addition, references to specific sections in the Constitution may not be accurate due to periodic renumbering of sections after their amendment."

The creation of a definitive working version would also greatly clarify any future constitutional amendment process, allowing ASSU legislative bodies and the electorate to have clearly presented to them - through techniques such as the use of a red-lined version - precisely what changes are being proposed.

Third, it is my suggestion that the ASSU work with the Dean of Students and his staff in the creation of such a working version, as well as early in the preparation process of any future proposed constitutional amendments. With early consultation, it is my belief that the approval process of the Spring 1999 Constitutional Amendments could have proceeded more efficiently. While it is ultimately my responsibility to review for approval all constitutional amendments, I rely heavily on the advice of the Dean of Students. It is both my hope and expectation that future amendments are developed using the Dean of Students and his staff as a resource early in the process.<sup>2</sup>

Fourth, the new ASSU structure has the potential to cause unnecessary duplication of effort in various ways. I expect the ASSU to invite senior University officers and staff (e.g., the President, Provost, Vice Provosts, etc.) to attend joint legislative body meetings in an effort to minimize this problem. (Of course, University officials are available to meet with particular student groups regarding issues unique to that group.) Similar steps should be taken to avoid other duplications of effort.

Finally, I wish to comment on what I understand to be the major philosophy that drove much of the development of the Spring 1999 Constitutional Amendments: the desire to enhance the quality of graduate student life and strengthen graduate student voice in the life of ASSU [sic] and the University. These are goals that are shared by the University. We all need to be mindful, however, that a system that has the potential for giving better focus to the needs of students at different levels in their educational careers also has the potential to impose certain costs. In particular, it is my hope that this new structure will help the ASSU realize its vision without creating inefficiency or divisiveness between undergraduate and graduate students.

In conclusion, I approve the Constitutional Amendments as passed in the ASSU Spring 1999 Election, with the interpretations and conditions contained in this letter. With this approval, I also acknowledge that the collection of the ASSU fees and the operating budget remain approved.

I wish you and the Association well in implementing these changes. With best wishes for a successful year,

Sincerely,

Gerhard Casper

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<sup>1</sup> The amended Constitution submitted to me on May 5, 1999, for example, contained at least one error in the transcription of my May 10, 1996 letter, as well as two different sections numbered Article II, Section 12. In this latter regard, the ASSU may also wish to consider a numbering system that is more consistent than the one used at present.

<sup>2</sup> Such consultation should also reduce the number of occasions in which I am asked, as part of the review process, to correct errors in the amendments as passed by the voters. See, for example, my October 16, 1997 letter approving the Spring 1997 Constitutional Amendments.



**Section 12: Resolution of the Association Legislative Bodies  
Concerning the 1996, 1997, and 1999 Letters of Acceptance**

**To Ratify the University's Interpretations & Conditions  
for the Spring 1996, Spring 1997, and Spring 1999 Constitutional  
Amendments**

**Executive Committee Bill 1-XCOM-1**

**Author:** Harris Shapiro  
**Sponsors:** Mike Levin  
John Mills  
Kaleb Michaud  
Chris Stromberg  
Steven Aronowitz

**Submitted for Consideration:** 20 October 1999

**Action Requested:** Approval; requires a 2/3 majority vote of each Association legislative body

**WHEREAS** the Spring 1999 Constitutional Amendments ("An ASSU for All Students") were overwhelmingly approved by both the graduate and undergraduate populations, and

**WHEREAS** President Casper accepted the Spring 1999 Constitutional Amendments with sundry interpretations and conditions, and

**WHEREAS** the Spring 1999 Constitutional Amendments will not fully take effect until those interpretations and conditions are ratified by the relevant Association legislative bodies, or otherwise dealt with, and

**WHEREAS** there are a number of interpretation and conditions from previous Letters of Acceptance that were never ratified by the ASSU Senate, and

**WHEREAS** certain elements of the October 1, 1999 Letter of Acceptance require comment, as they display a lack of awareness of the context of the Spring 1999 Constitutional Amendments, and

**WHEREAS** it is our belief that the Dean of Students office has consistently tried to undermine the Spring 1999 Constitutional Amendments, both before and after President Casper's October 1, 1999 Letter of Acceptance, despite the 96.7% of the graduate vote and the almost 80% of the undergraduate vote that the amendments received,

**THEREFORE** be it ratified by the legislative bodies of this Association

**THAT** the following condition from President Casper's May 10, 1996 Letter of Acceptance:

"The University approves the amendments on the condition that each and every provision in the Constitution, including Article I, Section 6, be interpreted in light of and subject to the terms of the following introductory clause which is to precede the Constitution (which clause is drawn from language required by the Board of Trustees as a condition of its approval of the 1963 Constitution):

"In order to encourage responsible citizenship and the exercise of individual and corporate responsibility on the part of students in the government of student affairs and activities, Stanford University, by approval of this Constitution, authorizes the Associated Students of Stanford University to exercise and discharge major privileges and responsibilities within the framework of policies and regulations established by the University through the President of the University and the Board of Trustees."

This approval is conditioned on the understanding that the Board of Trustees retains ultimate and final authority over the University under law and under the Founding Grant, anything to the contrary stated or suggested in this Constitution notwithstanding."

is hereby accepted, and

**THAT** the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"The reference in Article I, Section 7 (2) to "all meetings of bodies" is interpreted to mean "all meetings of student bodies."

is hereby accepted, and

**THAT** the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"Article I, Section 8 is interpreted to mean that "[t]he power to amend this Constitution [which] shall in perpetuity be vested in the members of the Association" shall be exercised pursuant to the terms and procedures of Article VII of this Constitution."

is hereby accepted, and

**THAT** the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"The reference to "constitutionality" in Article IV, Section 2 A and throughout is interpreted to mean "constitutionality under the ASSU Constitution."

is hereby accepted, and

**THAT** the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"Because the Constitution is silent on this point, it is my understanding that the initial membership in the Constitutional Council described in Article IV, Section 2 B will be selected in the manner set forth in Section 2 B (2) of that Article."

is hereby accepted, and

**THAT** the following interpretation in President Casper's May 10, 1996 Letter of Acceptance:

"The statement in Article IV, Section 2 D that "[t]he Council shall not have the power to indict" is interpreted to mean that the Constitutional Council shall play no role in the process of student discipline in any fashion."

is hereby accepted, and

**THAT** the following condition in President Casper's May 10, 1996 Letter of Acceptance:  
"The amendment that proposes to delete Article V, Section 2 F (which Section 2 F reads "Approval of the University: Upon certification of the appropriate election result, the Senate shall submit all those Special Fee requests which were approved by the Association, and the General Fee amounts authorized by the Association, to the President of the University for his or her approval") is interpreted as follows: that the University, of course, retains the ability not to collect any fee that it finds to be contrary to the policies and regulations established by the University or outside of the educational mission of the University.

For the reasons already discussed concerning the relationship between the ASSU and the University, and for the further reason that (under Article V, Section 3 B) it is the University that collects on behalf of the ASSU the fees that the ASSU imposes on the University's students, this understanding is necessary and is a condition to the University's acceptance of the amendments to the Constitution."

is hereby accepted, and

**THAT** the following understanding in President Casper's May 10, 1996 Letter of Acceptance:  
"Pursuant to the terms of the last sentence of Article VII, Section 4, the approved Letters of Acceptance specifying conditions or interpretations of the Board of Trustees or of the President of the University -- including those letters from the period of 1969 to the present currently appended to the Constitution, as well as this letter -- shall continue to be included in and be a part of the Constitution, and should be placed in an appendix thereto."

is hereby accepted, and

**THAT** the following correction in President Casper's October 16, 1997 Letter of Acceptance:  
"AMENDMENT 1: Article VII, Section 1, Subsection B, Paragraphs 1-3 and Subsections 1-4: Replace nor with not in the sentence: "If the Senate has not placed the proposed amendment on the ballot for the specified election by the end of the regular meeting of the Senate following the meeting at which the notice was given, then petitions proposing that amendment may be circulated by members of the Association."

is hereby accepted, although it is noted that the error it corrected was the result of a ballot misprint, and not an oversight on the part of the authors of the bill, and

**THAT** the following modification in President Casper's October 16, 1997 Letter of Acceptance:  
"AMENDMENT 1. Article VI, Section 1 should be modified to read:

"Section 1: Powers of the Membership of the Association

D. Calling of Elections

5. The Association shall have the power to call an election at any time.
6. General elections are those in which all members of the Association are eligible to vote.
7. Special elections are those in which only a well-defined subset of the Association is eligible to vote.

8. The Association Spring Quarter General Election is the particular general election which shall be held on two consecutive weekdays during the second, third, or fourth week of spring quarter."

is hereby accepted, and

**THAT** the following interpretation in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 2: Article VII, Section 6: "[sic] Integrity of this Document. The official text of this constitution shall consist of its original text and letters of acceptance, appended with its amendments and associated letters of acceptance, numbered sequentially. All amendments that are placed on the ballot shall be numbered sequentially without regard for year." [sic]

I interpret this to mean that a master file of the constitution with amendments and associated letters of acceptance as described above will be kept by ASSU; however the standard working document will reflect all edited changes."

is hereby accepted, and

**THAT** the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 3: Article IV, Section 2, Subsection C, Paragraph 1 should be modified to read: "Unless a majority of the Council deems it frivolous, the chair of the Council shall call a meeting of the Council within seven days of receipt of petitions of 5 percent of the members of the Association, a written request of the President or Vice President, or a petition signed by 5 members of the Senate.""

is hereby accepted, and

**THAT** the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 4: Article 1, Section 7, Subsection 7, Paragraph 1 should be modified to read Article 1, Section 7, Subsection 7, Paragraph 1."

is hereby accepted, although it is again noted that the error it corrected was the result of a ballot misprint, and not an oversight on the part of the authors of the bill, and

**THAT** the following modification in President Casper's October 16, 1997 Letter of Acceptance:

"AMENDMENT 7: Article II, Section C, Subsection 6 should be modified to read Article II, Section 2, Subsection C, Paragraph 6., Subparagraphs 1-4. The passage which reads "6. Unless and until the Senate reapportions districts...of their choice." Should be struck in its entirety."

is hereby accepted, yet again with the note that the error it corrected was the result of a ballot misprint, and not an oversight on the part of the authors of the bill, and

**THAT** the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

"That the references to "consensus" in Article III, Section 6 shall be interpreted to mean "an opinion or position reached by a group as a whole, where each member of the group is willing to accede to the decision."

is hereby accepted, and

**THAT** the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

" That Article III, Section 6.6 shall be understood to mean that in the absence of consensus, there will be no joint meeting of the Association legislative bodies."

is hereby accepted, and

**THAT** the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

"That Article III, Section 6.7 shall be interpreted to mean that for items of business that the Executive Committee deems deserving of joint consideration, these items must be approved by both legislative bodies according to procedures identified in the Constitution or in each legislative body's respective By-Laws; and that without such approval from both legislative bodies, no action is taken."

is hereby accepted, and

**THAT** the following interpretation in President Casper's October 1, 1999 Letter of Acceptance:

"That Article V, Section 9.C.1, C.2, and D and Article VI, Section 4.B.3.b be approved with the interpretation that the words "the Senate" refer to "the relevant Association legislative bodies."

is hereby accepted, and

**THAT** the following rejection in President Casper's October 1, 1999 Letter of Acceptance:

"The second and third sentences of Article VII, Section 3 (unconditional acceptance if the University takes no action on the proposed amendment within 90 days) were apparently sought to be reintroduced in the 1999 Spring Constitutional Amendments even though I rejected such a clause in my may 10, 1996 letter of acceptance of the Spring 1996 Constitutional Amendments. I stand by my earlier rejection of this section, in which I stated:

"Although I am confident that I or a future president of the University would act expeditiously in reviewing submitted amendments, one can readily imagine a situation in which either the issues involved or the surrounding circumstances, or both, would make the 90 day deadline unreasonable. In addition, it is inappropriate for this amendment to seek to impose such a requirement on the University."

is hereby accepted, despite its denial of the clear will of the Stanford student body, because the slowness of certain elements of the University in responding to the Spring 1999 Constitutional Amendments has made it clear that this otherwise reasonable requirement is not feasible, and

**THAT** regarding the October 1, 1999 Letter of Acceptance's suggestion "that the ASSU work with the Dean of Students and his staff...early in the preparation process of any future proposed constitutional amendments" and "that future amendments are developed using the Dean of Students and his staff as a resource early in the process", in accordance with

Constitution of the Associated Students of Stanford University

President Casper's previous statement in the May 10, 1996 and October 1, 1999 Letters of Acceptance:

"As a matter of educational philosophy, the University subscribes to the view that the student body should be given wide latitude in creating the forms and functions of student government, and in addressing the issues and activities within the purview of that student government."

the ASSU reserves to itself the right to determine when and if the Dean of Students and his staff will be consulted regarding future constitutional amendments, and

**THAT**

the Dean of Students and his staff will be welcomed by the ASSU as partners in improving the quality of student life at Stanford, provided they acknowledge and support the forms, functions, and intent of Stanford student government, as created by the Stanford student body.

## Section 13: Letter Accepting Spring 2007 Amendments

March 10, 2008

Hershey Avula, President  
Associated Students of Stanford University  
Stanford, CA 94305

Dear Hershey,

I write in response to the ASSU request for approval of its Spring 2007 Constitutional Amendments, as submitted to the University on August 14, 2007. As you know, the review and final approval of the Constitutional Amendments took longer than usual this year due to a few delays in the process and the need for discussion between Student Affairs staff and ASSU leadership. At this point, I am pleased to approve the 2007 Constitutional Amendments with the following interpretations and qualifications.

### Interpretations and Conditions

1. As per your suggestion, the language in Article III, Section 3, Number 4 shall be modified to provide greater clarity. It shall now read: "Should no slate of candidates receive a majority of the votes in the Association Spring Quarter General Election, the winner will be decided by the standard "Instant Runoff Voting" procedure.
2. As per your suggestion, the language in Article III, Section 3, Number 7 shall be modified to provide greater clarity. It shall now read: "The President and/or Vice President of the Association may be removed by a four-fifths vote of each Association legislative body."
3. The change proposed in Article V, Section 6, B5 that includes the insertion of "that portion" is rejected and the language shall remain as it has existed for many years as follows: "Upon approval by the Association legislative bodies, but in any case no later than the beginning of the new fiscal year, the Financial Manager shall submit the operating budget approved by the Association legislative bodies, or the previous year's budget if no new budget has been approved, to the President of the University or designee. Within 14 days after the receipt of this budget, the President or designee shall either approve the Operating Budget, or shall return it to the Association legislative bodies with a statement of the modifications necessary for it to be approved. Any adjustments to that part of the operating budget funded by the Operating Budget Allowance shall require the approval of the President of the University or designee."

I support the existing language regarding ASSU's budget because I believe it is important to ensure the University's long-standing interest in maintaining a good understanding of ASSU's financial position and its annual operating budgets. In this regard I reaffirm the sentiment found in Gerhard Casper's October 1, 1999 letter of acceptance that states the University's responsibility to not "abdicate its responsibilities under the Founding Grant by ceding management and control in the area of student affairs."

In conclusion, I approve the Constitutional Amendments as passed in the ASSU Spring 2007 Election, with the interpretations and conditions contained in this letter.

I wish you and the Association well in implementing these changes and thank you for the Association's contributions to student life at Stanford.

Sincerely  
John L. Hennessy