



# *CONSTITUTION*

Associated Students of the University of New Mexico

Revised 5/17/2017

## **PREAMBLE**

We, the students of the University of New Mexico Main Campus, establish this Constitution to preserve and protect the rights of the students of this University. In operating under this constitution, ASUNM Government shall recognize the following rights: the right to a complete and liberal education, the right to access the resources necessary to promote that education, the right to freely express ideas and thoughts that are a product of that education, and the right to participate in the processes and institutions that will ensure this education remains worthy and acceptable. We hereby establish a governing body of student representatives, whose duty and purpose shall be to protect and defend the rights of the students as defined in this Constitution. (5-16-97)

## **ARTICLE I**

### Section 1. Definitions

- A. Student: any person enrolled in the University, main campus, in an undergraduate status. (5-16-97)
- B. The Associated Students of the University of New Mexico (ASUNM): the undergraduate student body of the main campus. (5-16-97)
- C. ASUNM Government: the representative body of ASUNM, established to pursue student concerns.
- D. Agency (Agent): any student or group which has been authorized by this Constitution, or by law, to represent ASUNM, and/or to expend ASUNM Government funds, and includes all elected and appointed students within the ASUNM Government and all of its committees.
- E. Organization: any student group which meets the chartering requirements of the University.
- F. Officer: any student holding a position in an ASUNM Government funded organization and all elected or appointed students serving in the ASUNM Government.
- G. Good standing: any student who is carrying at least six credit hours not on any type of University probation and who has at least a 2.5 cumulative grade point average. The only exception to having the 2.5 cumulative G.P.A. is if the student does not have a G.P.A. due to newly entering the University. (5-16-97)
- H. Chair: the person designated to preside over any meeting.
- I. Day: any regularly scheduled University school day, unless specifically stated otherwise. This excludes Saturdays, Sundays, and Holidays.
- J. ASUNM Government offices, ASUNM Government positions, and ASUNM Government agents named herein are referred to without prefix. (e.g. ASUNM Government President).
- K. Any student in any ASUNM government office, position, or agency named herein must be a member of ASUNM and a student in good standing.
- L. Term of office for the President and Vice-President: Term is one year, beginning at noon of the last day of the spring semester and ending at noon of the last day of the following spring semester. The President and Vice-President may serve a maximum of two terms within the office to which they were elected. (5-16-97)

- M. Gross Misconduct: An intentional act forbidden or unlawful performed with indifference to known or obvious harmful consequences. (5-16-97)
- N. Malfeasance: Commission of a wrongful act which an official has no legal right to do, or any wrongful conduct which affects, interrupts, or interferes with the performance of official duty, or an act for which there is no authority or warrant of law. (5-16-97)
- O. Neglect of Office: Willful knowing, and intentional failure to attend to one's official duties. (5-16-97)

## Section 2. Student Rights

These are the rights recognized by ASUNM, and governing the operation of the ASUNM government. ASUNM shall promote these rights within the university community.

- A. Every student has full and equal rights in the University regardless of sex, race, color, national origin, religion, physical or mental disability, medical condition, sexual orientation, gender identity, spousal affiliation, age, or veteran status (5-17-11)
  - 1. Any action that violates University policies, including the Code of Conduct, shall be prohibited.
- B. Every student has the right of freedom of all expressions of ideas.
- C. Every student has the right to vote in accordance with normal procedures established by the ASUNM government.
- D. Every student has the right of access to all ASUNM Governmental records.
- E. ASUNM asserts the right of student representation on University committees dealing with the formulation of policies affecting students.
- F. No student shall be denied the right of orderly assembly on the campus.
- G. Every student has the right to contest before Student Court the constitutionality of legislation, rulings, or decisions of the ASUNM Government or any chartered organization that would affect students.
  - 1. All students shall be considered innocent of any infraction of ASUNM Government laws until proven guilty in a hearing of the appropriate judicial body and shall not suffer direct or indirect penalties for an infraction until guilt has been established.
  - 2. No student shall be compelled to be a witness against themselves and shall be properly informed of the nature and the cause of the accusation, and shall have a fair and impartial hearing by the appropriate judicial body in which they will be confronted by the witnesses against them, and may utilize the assistance of counsel in any part of the proceedings.

## **ARTICLE II. Legislative Branch**

### Section 1. Senate

All legislative powers of ASUNM Government shall be vested in the Senate.

### Section 2. Legislative Function

The Senate shall make all laws and regulations it deems necessary and proper for the ASUNM Government, prepare the budget, appropriate all funds of ASUNM raised through the ASUNM fee as designated by the Regents, approve or disapprove all appointments to constitutional and statutory student service agencies and legislative committees made by the President and Vice-President, and impeach specified officials for due cause. (7-7-06)

### Section 3. Composition of the Senate

The Senate shall consist of twenty members elected at large from ASUNM. The term of office shall be two senate sessions.

### Section 4. Qualifications of Senators

During a term in office no senator shall serve in any other branch of the ASUNM Government, except when a senator may be appointed to serve as the Senate's representative to an ASUNM Student Service Agency. (5-16-03) (7-7-06)

### Section 5. Powers of Subpoena

The Senate shall be empowered to subpoena ASUNM members to appear before it or any of its committees by a majority vote of the seated Senate. Any student or group failing to comply with a properly issued subpoena may be suspended from ASUNM Government offices and committees.

### Section 6. Legislation

A bill passed by a majority vote of the seated Senate shall become law upon the signature of the President within six days after its passage. If a bill or line item is vetoed, this veto can be overruled by a vote of two-thirds of the seated Senate at the following Senate meeting. A bill left unsigned by the President on the seventh day after its passage shall become law.

### Section 7. Senate Administrative Officers

- A. The Vice-President shall be the president of and preside over the Senate, and shall have no vote except in the event of a tie. The Vice-President shall appoint such assistants as they deem necessary.
- B. A President pro tempore shall be elected from the membership of the Senate by plurality. The President pro tempore of the Senate shall preside over the Senate in the absence of the Vice-President. The President pro tempore may be removed by a majority vote of the seated Senate at the first meeting following the introduction of a motion for removal. (11-12-97)

### Section 8. Senate Committees

The Vice-President shall appoint all chairs and members of Senate committees with the concurrence of the Senate. After three consecutive rejections of a vice presidential appointment to a position, the floor shall be opened to nominations by the Senate.

- A. The Finance Committee shall be established to investigate budget requests and make recommendations on the budget of the ASUNM government. Legislation concerned with finances shall be referred to this committee. This committee shall be composed of five to seven senators. One of the senators shall serve as chair and shall have no vote except in the event of a tie.
- B. The Steering and Rules Committee shall be established to investigate all legislation not allocating ASUNM Government funds. This committee shall be composed of five to seven senators. One of the senators shall serve as chair and shall have no vote except in the event of a tie.
- C. The Outreach and Appointments Committee shall be established to work on outreach to student organizations and the student body by taking measures to enhance communication between ASUNM and the University of New Mexico Community in addition to evaluating all Presidential appointments and making recommendations to the Senate. (8-11-04) This committee shall be composed of five to seven senators. (1-10-05) One of the senators shall serve as chair and shall have no vote except in the case of a tie.

#### Section 9. Sessions of the Senate

- A. There shall be two sessions of the Senate each academic year.
  - 1. The first session shall begin at noon on the last day of the spring semester.
  - 2. The second session shall begin at noon on the last day of the fall semester.
- B. Senators shall be sworn in by a Student Court Justice on the first day of the session. Quorum shall consist of two thirds of the seated Senate.
- C. The Senate shall meet at the call of the President, the Vice-President, or upon petition of at least one-third of the senators. Meetings shall be held at least every two weeks during the regular academic year.

#### Section 10. Salaries

- A. The Senate may establish salaries for the purpose of compensation for student officials and employees. Compensation may not be diminished during an individual's term of office.
- B. Senators shall not receive a salary or wage for executing their duties as a senator.
- C. No more than one salaried position in ASUNM Government may be held by any one student at a given time.
- D. All hourly salaries being paid by the ASUNM Government shall meet at least federal minimum wage requirements.

### **ARTICLE III. Executive Branch**

#### Section 1. The President

- A. The executive power and the power of enforcement of legislation shall be vested in a President.
- B. The President shall have earned a minimum of thirty credit hours at the University of New Mexico Main Campus and earned a cumulative grade point average of at least a 3.0 at the time of their candidacy (5-16-97) (12-21-08). No President, during the time for

which they are elected, may serve in any other branch of the ASUNM Government. (3-8-99)

- C. In the event that the office of the President is vacant, the Vice-President shall assume the title and duties of that office.

## Section 2. Powers and Responsibilities of the President

- A. Executive rulings necessary for the enforcement and execution of this Constitution and ASUNM Governmental legislation, and not in violation of this Constitution and ASUNM Governmental legislation, may be made by the President.
- B. At least twice during each session, the President shall give the Senate information in person, as to the state of the ASUNM Government and may recommend such measures as they deem necessary.
- C. The President, in consultation with their executive officers, shall prepare and submit to the Senate a budgetary proposal for the next fiscal year for the Executive Branch of Government and the Student Service Agencies. (8-10-93) (7-7-06) (12-13-16)
- D. The President may establish and appoint any executive officer or student service agency to advise and assist them in the execution of their prescribed duties. The tenure of these appointments shall not exceed the term of office of the appointing President with the exception of the Chief and Associate Justices whose term length is defined in Article IV, Section 2B. (5-16-03) (7-7-06)

## Section 3. Executive Office of the President

- A. There shall be an executive office of the President composed of an Attorney General, a Chief of Staff, and any other executive officers the President might appoint. It shall be the duty of this office to advise and assist the President in the execution of their duties. (5-16-97) (7-7-06)
- B. There shall be an Attorney General appointed by the President with the concurrence of the Senate. The Attorney General shall make copies of student's and student organization's judicial rights available in the ASUNM office and shall carry out other duties outlined by the ASUNM Lawbook.(5-16-97) (3-11-02)

## Section 4. The Executive Cabinet

There shall be an Executive Cabinet composed of the President, the Vice-President, the Attorney General, the Chief of Staff, the President pro tempore, the chairs of all Student Service Agencies, and any other officials or persons prescribed by the President. The Executive Cabinet shall advise and assist the President in their duties as well as facilitate cooperation and coordination among the Student Service Agencies and executive officials. (5-16-97) (7-7-06)

## Section 5. The Vice-President

- A. There shall be a Vice-President who will assist the President in their duties. The Vice-President shall have earned a minimum of thirty credit hours at the University of New Mexico, main campus and earned a cumulative grade point average of at least a 3.0 at the time of their candidacy. (5-16-97) (12-21-08)

- B. In the event that the office of the Vice-President is vacant, the President pro tempore of the Senate shall assume the title and duties of the office.
- C. The Vice-President shall prepare and submit to the Senate a budgetary proposal for the next fiscal year for the Legislative Branch of the Government. (8-10-93) (12-13-16)

#### Section 6. Joint Student-Faculty Committees (12-10-02)

Joint student-faculty committees are committees which include representatives appointed by ASUNM. These standing committees may not be changed in function or composition without the concurrence of the ASUNM Senate (or Student Body) and the Faculty Senate, though either group may unilaterally withdraw from any of these committees. The Board of Regents may modify the function or composition of these committees, but shall first receive advice from the ASUNM and Faculty Senate. (5-16-97) (12-10-02)

#### Section 7. ASUNM Student Service Agencies (7-7-06)

- A. The President shall appoint all chairs or directors of all Student Service Agencies. All other student appointments to Student Service Agencies shall be made by the chair with the consent of the President, with the exception of Senate representatives. (5-16-97) (7-7-06)
- B. The term of office for agency membership shall coincide with that of the President.
- C. The President shall be empowered to remove any of their appointments to any Student Service Agencies. Vice-Presidential Appointments may be removed by the Vice-President but subject to the approval of the Senate. Removal of appointments to regulation boards in the areas of publications and radio broadcasting must receive the concurrence of the majority of the seated Senate. (5-16-97) (7-7-06)

### **ARTICLE IV. Judicial Branch**

#### Section 1. Judicial Function

The Judicial power of the ASUNM Government, with the exception of impeachment, shall be vested in the Student Court.

#### Section 2. Student Court

- A. The Student Court shall have original jurisdiction in all cases arising under this Constitution, the laws and by-laws of the ASUNM Government, ASUNM Government money allocations and the regulations and actions of the various bodies and committees of the ASUNM Government with the exception of those judicial powers of the Student Conduct Committee and the Senate. The Student Court shall also have appellate jurisdiction over the decisions of the Attorney General and the Elections Commission. (5-16-97) (3/11/02)(10/24/09)
- B. The Court shall be composed of a Chief Justice and four Associate Justices. The justices must have attended the University, main campus, at least one semester immediately prior to their appointment. The justices shall be appointed by the President and confirmed by the Senate. The term of office of the Chief Justice and Associate Justices shall be no longer than the calendar year. Their term shall begin when the oath of office has been

administered and end exactly at 1 p.m. on the last day of the spring semester. All Justices may apply and be reappointed to another term if they are to remain on the court. (10/24/09) (05/14/13)

- C. The Chief Justice shall preside over the Court and shall be responsible for the publication of the decisions of the Court. A decision of the Court shall be made with the written concurrence of at least three of the justices. If there is a vacancy or absence of three of the justices, the remaining justice(s) may only act on administrative matters subject to later approval by at least three justices. Details of court procedure not prescribed by this Constitution or by legislation shall be the responsibility of the court itself.
- D. Any justice, upon written request for the issuance of a subpoena ordering a person to appear before the Court, may issue such subpoena. The subpoena may be contested before the Court. Any student failing to comply with a properly issued subpoena may be suspended from ASUNM Government offices and committees.
- E. Any student failing to comply with a properly issued Court Order may be suspended from ASUNM Government offices and committees.
- F. Any act which is calculated to hinder or obstruct the Court in administration of justice may be considered in contempt of court if committed by a person who does so willingly in an attempt to impede the administration of justice. A party may be found guilty of Contempt of Court only if a) the act is done in the presence of the court and its presiding judge; or b) the party fails to comply with an order of the Court. Any student or group found guilty of contempt of court may be suspended from ASUNM Government offices and committees.
- G. Student Court decisions may be appealed to the Student Conduct Committee if the Committee will be able to hear and decide the appeal before the end of the semester, as determined by the Dean of Students. If the Student Conduct Committee is unable to accept the appeal, the Dean of Students will hear and decide it. Decisions of the Dean of Students may be appealed to the Vice President for Student Affairs. The President and the Board of Regents reserve the discretionary authority to review all decisions. (3/11/02)
- H. The Chief Justice shall prepare and submit to the Senate a budgetary proposal for the next fiscal year for the Judicial Branch of the government. (8-10-93) (12-13-16)

## **ARTICLE V. Disciplinary Action**

- A. A call for disciplinary action may be brought against any elected or appointed official in ASUNM Government by any student. The grounds for disciplinary action are violation of ASUNM law(s), willful neglect of office, gross misconduct, or malfeasance; except that an ASUNM Government official may be removed from office only for willful neglect of office, gross misconduct or malfeasance. (5-16-97)
- B. Disciplinary actions include:
  - 1. Removal from office.
  - 2. Suspension - removal of duties, rights, and voting privileges associated with the position for a period of no longer than four weeks. (5-16-97)
  - 3. Mandatory mediation - mediation that must be held among the accusing student, the accused official, the ASUNM Vice President, and another neutral party that both the student and the accused official agree upon. If the ASUNM Vice-President is the accused official, the President Pro-Tempore shall replace the Vice-President in the mediation process. (5-16-97)



### C. Procedures

1. A call for disciplinary action may be brought by any student before the ASUNM Student Court in the form of a written charge. (8-10-04)
2. If the call for disciplinary action is deemed valid the charges shall be considered at a separate hearing before the ASUNM Student Court. (8-10-04)
3. The hearing shall be held at least one week and one day after the date of actual notification of the official who is the subject of the charge. (8-10-04)
4. Disciplinary actions against an elected or appointed official may be ordered only by a majority vote of the ASUNM Justices. (8-10-04) In the case of removal from office a four-fifths (4/5) vote of the seated Justices is required. (8-10-04) If only four Justices are available, then a three-fourths (3/4) vote is required. (8-10-04) If only three Justices are available, the vote must be unanimous. (8-10-04)
5. Disciplinary decisions by the ASUNM Student Court pursuant to this Article may be challenged by either party on the grounds that the procedures were not followed in good faith, or on procedural or legal grounds. (8-10-04) Appeals of decisions of the Student Court may be made to the Student Conduct Committee, pursuant to the Student Conduct Committee Procedure. (5-16-97)
6. In the event of an appeal, the Conduct Committee will review the Court's decision and consider whether proper procedures were followed, whether the decision is supported by the facts found in the evidence, and whether or not the decision violates University policy. If the decision is in agreement with the above stated criteria, the Conduct Committee will uphold the Court's decision. If the Conduct Committee decides otherwise then it may reverse the Court's decision or send the case back to the Student Court for further action. (8-10-04)

## **ARTICLE VI. FISCAL RESPONSIBILITY**

### Section 1. Student Funds

The funds of ASUNM Government shall be derived from designated ASUNM fees, income from enterprises of ASUNM Government, and other legally approved sources.

### Section 2. Authorization of ASUNM Fees

An ASUNM fee shall be levied on each undergraduate student at the University subject to authorization by the UNM Board of Regents. For each part time student carrying at least one credit hour, the fee shall be prorated according to the number of credit hours registered and paid for by the student. The ASUNM fee shall be twenty (20) dollars for each full time student. (4/9/02)

### Section 3. Distribution of the ASUNM Fee

- A. "Anticipated revenue" shall be defined as the amount of funds anticipated from the ASUNM Fee as reported by the SGAO (Student Government Accounting Office). (3-11-02)
- B. A budget shall be prepared and submitted by the Finance Committee to the Senate for approval no later than the eleventh week of the Spring Semester.

1. The budget shall include budgets for General Government and the Student Service Agencies.
2. The budget shall allocate eight point five (8.5) percent of the anticipated revenue to the Student Publications Board or its successor.
  - a. The allocation has been established by the Senate in support of the operations of the Student Publications Board.
  - b. It shall be disbursed upon receipt of a memorandum from the board stating the intended use of the ASUNM Fee.
  - c. The memorandum shall be recorded as an addendum to the budget approved by the Senate.

(8/10/95) (2/13/01) (3/11/02) (4/9/02) (7-7-06) (1-9-07) (5-8-07)

- C. This proposed budget shall not exceed ninety-three (93) percent of the anticipated revenue for the following fiscal year.(6-8-93)
- D. Any funds not allocated by this budget may be allocated by the Senate according to the ASUNM Constitution and the ASUNM Lawbook. (3/11/02)

#### Section 4. Authority of Financial Control

- A. The SGAO shall be the sole fiscal agent for all ASUNM Government financial transactions. (3/11/02)
- B. All expenditures must have prior clearance from the SGAO. (3/11/02)
- C. The ASUNM Government, Student Service Agencies, and any organizations funded through ASUNM Government may not spend in excess of their approved allocation. (7-7-06)
- D. Deficit spending may result in substantial penalties as governed by ASUNM Government law.

#### Section 5. Education in Financial Matters

Agents shall be responsible for familiarizing themselves with ASUNM

Government and SGAO policies and financial procedures before any expenditures are made. (3/11/02)

#### Section 6. Accounting Requirements

All ASUNM Government accounting systems shall be in accordance with appropriate federal, state, and University requirements.

#### Section 7. Ownership

All items purchased with ASUNM Government funds become the property of ASUNM Government and thus the Regents of the University of New Mexico.

## **ARTICLE VII. ELECTION PROCEDURES**

### **Section 1. Candidate Eligibility**

In order to be an eligible candidate for the office of President, Vice-President, or Senator, one must be a student in good standing (as defined in the ASUNM Constitution Article I. Sections G & K) and register as a candidate for only one (1) of these offices. (12/14/99)

### **Section 2. Election of the Senate**

Ten members of the Senate shall be elected at large from among those candidates declared eligible by the Election Commission in both the Spring Senatorial General Election and Fall General Election. (12-13-16)

### **Section 3. Election of the President and Vice-President**

The President and Vice-President shall be elected at large in a separate Spring General Election held three (3) weeks prior to the Senatorial Election from among those candidates declared eligible by the Elections Commission. (12-13-16)

- A. This election shall be referred to as the Presidential/Vice Presidential Spring General Election. (12-13-16)

### **Section 4. Senate Vacancies**

In the event of a vacancy in the Senate, the candidates receiving the next highest number of votes from the most recent general election shall fill that vacancy. Senatorial duties shall be assumed upon confirmation by the Elections Commission and upon swearing in by a Student Court Justice. In the event that the position is refused or in the event that the Vice President, after reasonable attempts, is unable to contact the candidate, the candidate with the next highest number of votes from the most recent general election will be appointed. This shall continue until all vacancies are filled or until there are no remaining candidates to fill the vacancies. In the event that there are no remaining candidates to fill the vacancies, the President of the Senate shall appoint replacements for vacancies within fourteen days, with the approval of three-fourths of the Seated Senate. No Vice Presidential appointed Senator shall be allowed to assume responsibilities, duties, or voting privileges of a Senator until confirmed by the Senate. An appointed Senator's term shall not exceed the semester in which they are appointed. (6-8-93), (5-16-97), (11-12-97), (5-11-01), (5-16-03)

### **Section 5. Election Commission**

- A. The Elections Commission shall be empowered to preside over all election procedures, enforce election regulations, tabulate results, and appoint any additional aides deemed necessary by the Commission to perform its duty.

### **Section 6. Election Process**

All elections shall be executed in accordance with the procedures outlined in the ASUNM Government Lawbook. (5-16-03)

### Section 7. Voting

Each undergraduate student of the University of New Mexico is allowed to cast their ballot once per election with valid UNM NetID and password. (05-08-07)

## **ARTICLE VIII. REFERENDA**

### Section 1.

Legislation may become law via referendum. Referendum items shall be put to a vote of the student body during general elections. Referenda that are passed by a majority of those students voting shall become ASUNM Government law.

### Section 2.

Said laws shall be binding on ASUNM Government for one academic year providing it is within ASUNM Governmental power to enact the provisions of the referenda, and may not be overturned by any actions of the Senate or the President. Said laws may only be repealed or amended via referenda.

### Section 3.

The student body may overturn actions of Senate or Presidential vetoes by a majority vote through the referendum process.

### Section 4.

Referenda may be placed on the ASUNM ballot by a majority vote of the seated Senate or by petitions presented to the court and signed by one half of the number of students voting in the previous general election.

## **ARTICLE IX. AMENDMENTS**

- A. Amendments to this constitution may be proposed by a two-thirds vote of the seated Senate or by petition of two-thirds of the number of students voting in the previous general election. The proposed amendment shall be placed on the ballot of the next election.
- B. An affirmative vote by two-thirds of those students voting on the amendment shall be sufficient to approve an amendment. After its adoption by the students, each amendment must be approved by the Board of Regents of the University before it will become effective. (11-12-97)
- C. This Constitution, including all amendments, shall be subject to modification by and under the control of the Board of Regents of the University.
- D. Articles and amendments of the Constitution proposed by the students and approved by the UNM Board of Regents shall be placed in the appropriate context within this

document, including specific numerical references (Article, Section, and paragraph number). (5-16-97)

Approved March 1991, Amended 6/9/92, 6/8/93, 8/10/93, 8/10/95, 5/16/97, 11/12/97, 3/8/99, 6/8/99, 12/14/99, 8/8/00, 2/13/01, 5/11/01, 3/11/02, 4/9/02, 12/10/02, 5/16/03, 8/10/04, 1/10/05, 5/8/07, 5/13/16, 12-13-16. Dates in parentheses denote date on which Regents approved the amendment.