

Student Government Association Constitution

PREAMBLE

We, the members of the Student Government Association of the University of Saint Thomas, while acting in accordance with the mission statement of the University, will strive to:

Provide channels of communication between the student body and the members of the Student Organization Committee (SOC), the administration, and other University Organizations,

Provide a forum for the statement of student views and interests and to settle any disputes that arise among members of the SOC,

Be responsible for the allocation, spending, and adjustment of the Student Activity Fee,

Represent the opinions of the undergraduate student body to the administration of the University.

ARTICLE I -- NAME AND MEMBERSHIP

Section 1 -- This organization shall be known as the Student Government Association (SGA).

Section 2 -- The SGA shall be composed of undergraduate representatives of the student body.

From here on, the undergraduate student body will be referred to as the student body.

Section 3 -- The Student Organization Committee (SOC) shall be composed of all undergraduate student organizations that initially receive the Student Activity Fee monies.

Section 4 -- All undergraduate students who pay the Student Activity Fee are members of the student body.

ARTICLE II -- THE STUDENT BODY

Section 1 -- The student body shall have the following rights:

- A. To run for all offices that are directly elected by the student body after meeting the criteria set for each office.
- B. To vote in all undergraduate student body elections.
- C. To ratify amendments and/or modifications of the SGA Constitution.
- D. To voice opinions at SGA and committee meetings with permission from the Chair.
- E. To participate in SGA projects.
- F. To express their opinions about University policies, educational standards, and decisions made by the administration.
- G. To initiate legislation through their elected SGA representatives.
- H. To be eligible for membership on any approved SGA committee.

- I. To submit objections to the Judicial Council (JC) regarding SGA actions.

ARTICLE III -- DUTIES OF THE SGA

Section 1 -- SGA shall:

- A. Represent the student body in relations with the faculty, administration, alumni, and other bodies.
- B. Represent students' concerns on University Committees and Committees of the Board of Directors.
- C. Authorize the appointment of all allocated Student Funds; including the Student Activity Fee monies and any remaining Student Funds from previous years.
- D. Hold publicly announced, open meetings from which no student body member shall be excluded.
 - i. By a two-thirds vote of the SGA, a closed meeting may be held in order to discuss matters requiring extraordinary privacy.
 - a. A closed meeting is defined as a meeting attended by only the members, the Executive Committee, and the advisors of SGA.
 - ii. Any person whose presence is necessary for the discussion may be invited to attend the closed meeting.
- E. Review the reports, decisions, and actions of all SGA committees and overrule any such actions or decisions, which it deems unjustified.
- F. Conduct elections as prescribed in the Election Code, and fill vacancies as provided for in Article X, Section 2 of this constitution.
- G. Impeach any SGA officer as provided for in Article X, Section 1 of this constitution.
- H. Administer forums to increase student body awareness and/or allow for the voicing of concerns by the student body.
- I. Participate in and oversee the review and approval of appropriations by student organizations and clubs.

ARTICLE IV -- LEADERSHIP OF THE SGA

Section 1 -- The President of the SGA

- A. The President of the SGA shall be the Association's Chief Executive Officer. The President must be a full time student at the time of the election and throughout his or her term unless an exception is made by a simple majority vote of the Senate, but in no case will the President complete less than six credit hours in a given semester. The President must also be in good academic standing at the time of the election and throughout his or her term as President. No candidate for this office shall have completed less than 90 hours of college credit by the end of the semester of candidacy, of which a minimum of 48 hours must have been completed at the University of Saint Thomas. The President shall be elected as provided for in the Election Code.

Section 2-- Duties of the President

- A. Represent SGA to the student body, members of the SOC, University administration, and any other University bodies.
- B. Create public forums as mentioned in Article III, Section I.
- C. Cultivate an awareness of student needs and concerns apropos of presenting them to the faculty, administration, and other University affiliated persons.
- D. Call special meetings and determine their location.
- E. Preside over and set the agenda for all meetings of the SGA and act as a non-voting member at said meetings.
- F. Actively seek and interview Senators for SGA committees. The President shall nominate SGA committee chairs in accordance with Section VII of the By-Laws.
- G. Actively seek and interview Senators or students for University Committees or Committees of the Board of Directors. The President shall nominate committee members in accordance with Section VII of the By-Laws.
- H. Actively seek and interview students for positions on the Executive Committee. The President shall nominate the such persons in accordance with Section VII of the By-Laws.
- I. Establish and dissolve ad hoc committees, as he/she deems appropriate, subject to Senate approval.
- J. Veto legislation at his/her discretion, within five school days of its enactment; otherwise, after five school days, said legislation shall automatically go into effect.
 - i. A veto can be overturned by a two-thirds vote of the Senate.
- K. Represent the SGA in referendum hearings, or appoint a representative from the members of the SGA in accordance with Section VII of the By-Laws.
- L. Notify all SGA members of any SGA business in a mid-summer correspondence.
- M. Spend up to \$150 in the given academic year, from the SGA Agency fund, for SGA operations without Senate approval.
- N. Administer the operations of the SGA office.

Section 3 -- The Vice President of the SGA

- A. The Vice President of the SGA shall assist the Association's Chief Executive Officer. The Vice President must be a full time student unless an exception is made by a simple majority vote of the Senate, but in no case will the Vice President have completed less than six credit hours in a given semester. The Vice President must also be in good academic standing at the time of the election and throughout his or her term as Vice President. No candidate for this office shall have completed less than 60 hours of college credit by the end of the semester of candidacy, of which a minimum of 36 hours must have been completed at the University of Saint Thomas. The Vice President shall be elected as provided for in the Election Code.

Section 4 -- Duties of the Vice President

- A. Assist the President in fulfilling the executive function of the SGA.

- B. Serve as a member of the SGA, whose vote shall be exercised only in the case of a tie.
- C. Serve as the co-chair of the SGA Finance Committee.
- D. Introduce legislation and formulate reports to the SGA.
- E. Set and announce the schedule, by the end of the first week of the spring semester, as defined in Section IX of the By-Laws.
- F. Serve as the presiding officer of the SGA in the absence of the President.

Section 5 -- The Chair Pro-Tempore of the SGA

- A. The Chair Pro-Tempore of the SGA shall be nominated from the membership of the SGA and chosen as provided for in Section VII of the By-Laws. The Chair Pro-Tempore must also be in good academic standing at the time of appointment and throughout his or her term as Chair Pro-Tempore. In the absence of the President and Vice-President, the Chair Pro-Tempore shall serve as Chief Executive Officer until the President or Vice President returns. While serving as presiding officer, the Chair Pro-Tempore has voting powers only when this will affect the outcome of the Senate's vote.

Section 6 -- The Secretary of the SGA

- A. The Secretary of the SGA shall be chosen as provided for in Section VII of the By-Laws. The Secretary must also be in good academic standing at the time of appointment and throughout his or her term as Secretary. The Secretary may be removed from office for failing to adequately execute his/her duties and/or when absent from two regular SGA meetings in a period of one semester. The Secretary shall compile minutes of regular and special meetings of the SGA and of the Executive Committee. The Secretary's term shall extend through the last day of the spring semester.

Section 7 -- The Treasurer of the SGA

- A. The Treasurer of the SGA shall be chosen as provided for in Section VII of the By-Laws. The Treasurer must also be in good academic standing at the time of appointment and throughout his or her term as Treasurer. The Treasurer may be removed from office for failing to adequately execute his/her duties and/or when absent from two regular SGA meetings in a period on one semester. The Treasurer's term shall extend through the last day of the spring semester. The Treasurer shall:
 - i. Receive a copy of all documents that are released concerning the Student Activity Fee and any accounts that receive Student Funds. These include the projected Student Activity Fee amount, and the reconciled (actual) Student Activity Fee amount.
 - ii. Obtain itemized expense reports from any organization that receives Student Funds.
 - iii. Serve as the co-chair of the SGA Finance Committee.
 - iv. Report and make recommendations to the SGA on any matter relating to the SGA's expenditures, or any expenditure of Student Funds.
 - v. Maintain current records of all financial activities as specified in (i) and (ii) above.

- vi. Perform all necessary investigations of Student Activity accounts in the event that discrepancies arise.

Section 8 -- Parliamentarian

A. The Parliamentarian of the SGA shall be chosen as provided for in Section VII of the By-Laws. The Parliamentarian must also be in good academic standing at the time of appointment and throughout his or her term as Parliamentarian. The Parliamentarian may be removed from office for failing to adequately execute his/her duties and/or when absent from two regular SGA meetings in a period of one semester. The Parliamentarian's term shall extend through the last day of the spring semester.

The Parliamentarian shall:

- i. Pledge to be an impartial, non-voting member of the Senate.
- iii. Be well versed in Robert's Rules of Order and able to apply in all circumstances.
- iv. Provide informational material and instruction on Robert's Rules of Order to the Senate upon request; Assist the President of the SGA in maintaining an efficient and timely meeting.

Section 9 -- Senators of the SGA

- A. There shall be five elected undergraduate senators for every class. Each senator must be in good academic standing at the time of election and throughout his or her term as Senator. Senators shall:
 - i. Vote in all meetings of the SGA.
 - ii. Introduce legislation.
 - iii. Address SGA meetings.
 - iv. Move and second motions.
 - v. Take any action necessary to conduct SGA business.
- B. A member of the student body may not concurrently serve as an SGA Senator and as an elected or an appointed leader of a Student Organization Committee, (SOC).

ARTICE V -- THE EXECUTIVE COMMITTEE

Section 1 -- The Executive Committee of the SGA

- A. The Executive Committee shall consist of the President as Chairman, the Vice President, the Chair Pro-Tempore, the Treasurer, Secretary, Parliamentarian and any other executive position created and approved in accordance to Section VII of the By-Laws. The Executive Committee shall:
 - i. Assist the President in an advisory capacity on all matters submitted to it by the President.
 - ii. Vote on all nominees other than the Chair Pro-Tempore before they are presented to the Senate. All tie votes within the Committee fail.
 - iii. Act in spite of an unoccupied seat on the Committee.
 - iv. Must be in good academic standing upon receiving executive position and throughout his or her term serving in that position.

ARTICLE VI -- POWERS OF THE SENATE

Section 1 -- The Senate shall:

- A. Determine the rules of its proceedings.
- B. Consider written or verbal legislation as defined in Section VIII of the By-Laws.
- C. Establish and dissolve special committees.
- D. Vote on recommendations presented by SGA committees.
- E. Vote on nominations presented by the Executive Committee.
- F. Override a Presidential veto by a two-thirds vote.
- G. Remove any of its members as provided for in Article X, Section 1 of this Constitution.
- H. Follow an agenda set forth by the President.
- I. Select the members of the standing committees of the SGA no later than the second meeting of the fall semester.
- J. Adopt rules of procedure as specified in Section II of the By-Laws.
- K. Request reports on and monitor the expenditure of ALL Student Funds.
- L. Research and fund large projects that are in the interest of the student body.
- M. Appropriate additional funds for Student Organizations.
- N. Ensure that the student body is represented on faculty committees.

ARTICLE VII -- APPROPRIATIONS

Section 1 -- SGA Allocation Duties:

- A. All Undergraduate Student Activity Fee monies shall be collected into three accounts entitled, Student Activity Fee, Student Publications and Campus Programming Committee. The SGA is in charge of maintaining the Student Activity Fee.
- B. Such monies are the property of the UST student body and are held in trust by the University Business Office in accordance with the rules governing fiduciary accounts.
- C. SGA Executive Committee is responsible for providing information about the status of the Student Activity Fee account to SGA and the student body.
- D. At any time during the school year, SGA may recover funds from a Student Activity Fee recipient organization by passing legislation to the effect that includes: the organization or club being affected, reason for reclamation, the exact amount being removed from that club's account, and when the reclamation will occur. Any reclamation of funds requires a three-fourths vote of SGA.
- E. SGA shall undertake a yearly calculation to determine a reserve amount to be held as a Sub-ledger Account of the Student Activity Fee Fund account.
 - i. The Sub-ledger calculation shall be made prior to any allocation of funds.
 - ii. At year's end, any money remaining in the Sub-ledger Account shall roll over into the Student Activity Fee Fund Account.
 - iii. Any expenditure of funds from the Sub-ledger Account shall require a three- fourths vote of SGA.
 - iv. All adjustments (i.e., allowances for uncollectible amounts and adjustments to fee projections) shall be accounted for in the sub-ledger account of the Student Activity Fee Fund Account

Section 2 -- Budget Allocation Process

A. Disbursement

SGA will meet after spring elections to allocate a portion of the Student Activity Fee funds for the following year. These initial allocations must be completed in accordance with Section IX of the By-laws. If this is not done, all budgets shall be approved in full. SGA will also be responsible for allocating additional funds throughout the academic year.

B. Petitioning Groups

Any member of the SOC, except SGA, may petition for funds at this meeting.

C. SOC Membership

The SOC refers to all student organizations that directly receive a portion of the Undergraduate Student Activity Fee account. They currently include Student Government Association, Council of Clubs, Sport Clubs Association, and Student Activities Board. This list may be adjusted by the following process:

- i. To gain entry into the SOC, a group must have successfully petitioned SGA for money and functioned for at least one semester. The organization may then become a full SOC member by three-fourths approval of SGA. Approval of a new organization is a contestable item under the referendum process.
- ii. An organization is deemed defunct when student participation has dropped to two or fewer students and the organization no longer serves its purpose or produces its product. If an organization becomes defunct, any account balance will be paid out of the remaining Student Activity Fee Fund Account; any remainder will be returned to SGA for allocation to other organizations.

D. Voting Members of the Allocation Committee shall include all voting members of SGA.

E. Process

- i. The Executive Committee shall calculate the estimated total amount of Student Activity Fee monies available for allocation by means of direct access to estimated enrollment projections and final enrollment numbers from Institutional Research.
- ii. Budget forms shall be sent to all Student Activity Fee recipients. The forms are to be completed and returned to the SGA Treasurer five school days before the first allocation meeting.
 - a. Along with the forms, the organization shall include a detailed account statement for the current year.
 - b. The organization shall also include a list of estimated expenditures for the remainder of the current year.
- iii. SGA Executive Committee must notify the petitioning organizations of the deadline ten school days before the first allocation meeting.
- iv. SGA shall receive the budget forms that have been prepared by the petitioning organizations at least 24 hours before the first allocation meeting.

- v. All allocation meetings will be open to the public, but the public shall not be allowed to speak or ask questions, unless acknowledged by a recognized representative.

F. Procedures for Initial Allocation Meetings

- i. The incoming leader of each petitioning organization shall present that organization's budget.
- ii. All budget presenters shall have an equal amount of time set by the current SGA President to account for the previous year's expenditures as well as explain or comment upon their proposed budget.
- iii. SGA shall ask questions of the presenters to clarify the information given. The question and answer sessions may last as long as required by SGA President.
- iv. The presenters must answer SGA's questions concerning their budget, referring questions to an outgoing leader or adviser if necessary.
- v. When all presentations are complete, the SGA Treasurer shall inform SGA of the total amount requested by petitioning organizations. The SGA Treasurer will also inform SGA of the projected amount available in the Student Activity Fee Fund Account for the following year (including any monies rolled over from the current year) minus his/her calculation of the estimated SGA operating expenditures.
- vi. SGA shall then discuss allocations in general and make suggestions as to whether to increase, decrease, or maintain the budgets presented by each SOC. No motions are in order during general discussion.
- vii. SGA shall consider each petition individually in order to comment upon and question each proposed budget.
- viii. A three-fourths vote of SGA is required to approve a budget as it is proposed.
- ix. If Senators move to cut the proposed budget by more than twenty-five percent then a two-thirds vote is required.
- x. A simple majority of SGA can approve any budget cut not exceeding twenty-five percent of the proposed budget.

G. Objections to Committee Decisions

- i. Any SOC member that objects to an SGA allocation decision has one week after the meeting to file a petition for referendum with the Judicial Council (JC).
- ii. The objecting organization must demonstrate that SGA's decision is based on unsubstantial criticisms, founded upon personal biases, or is not representative of student body desires.
- iii. Redress may be sought by means of Article VIII, Section 2, the referendum process.

H. Expense Reports

- i. Each SOC member shall submit a detailed expense report to SGA showing amounts allocated and expended from each line item during the previous year. This report shall be submitted before the third week of classes in the Fall semester. The SGA Treasurer may request a summarized expense report from any SOC organization at any time during the school year.

ARTICLE VIII -- THE REFERENDUM

Section 1 -- SGA must notify each SOC leader in writing no later than one school day after a contestable piece of legislation has been enacted.

Section 2 -- Process

- A. An SOC organization may request a referendum on designated actions of Senate by means of a written petition to the JC Chief Justice no later than five school days after the passage of contestable legislation. The organization's leadership (Executive Officers) must sign the petition.
- B. The JC Chief Justice must rule that the petition qualifies both as a contestable item and a legitimate concern of the student body before the issue can go to referendum. The JC Chief Justice will preside over the referendum. A simple majority vote of the JC shall override the Judicial Council Chief Justice's denial for referendum.
 - i. If SGA does not have an excess of business, the JC Chief Justice can designate the referendum be carried out during the time allotted for regular SGA meetings (to allow for SOC leadership and Senator attendance).
- C. Voting members in a referendum shall include all members of the JC. In case of a tie, the JC Chief Justice shall have the deciding vote.
 - i.
 - ii. The JC Chief Justice can appoint a representative or present the contested decision himself/herself to the SGA and involved parties.
- D. The entirety of a referendum hearing shall be open to the public.
 - i. The petitioning member of the SOC shall act as the plaintiff and will not have a vote. SGA shall act as the defendant, choosing to either defend its action or agree with the plaintiff and will also not have a vote.
 - ii. The voting body of the referendum will consist of the remaining members of the Judicial Council.
 - iii. The JC Chief Justice will call the meeting to order and the plaintiff shall speak first for a maximum of five minutes. SGA shall then have five minutes to respond.
 - iv. The JC Chief Justice will then open the floor to questions from voting members and SOC executives. Questions can be addressed to either party.
 - v. At the end of the questioning period, both the plaintiff and defendant shall make closing statements two minutes in length.
 - vi. The voting members in a referendum shall then vote by secret ballot.
 - a. If a majority of votes cast oppose the contested action of SGA, said action shall then be considered overruled.
 - b. After voting, the SOC may suggest a settlement of the contested action, which shall then be approved or adjusted by a vote of JC. SGA shall be obligated to take any action(s) necessitated by the decision of JC.

Section 3 -- Contestable Actions shall include:

- A. Initial budget allocations.
- B. The approval of a new member of the SOC.
 - i. If a referendum is not called within five school days of approval, the new organization shall automatically become a member of the SOC.

- C. Any budget expenditure of more than \$350 by SGA (including non-SGA expenditures).
 - i. Non-SGA expenditures include SGA allocations to members of the SOC or any campus group that can demonstrate the substantial benefit of their activities to the student body.
 - ii. Such a non-SGA expenditure will not be in order until all initial budget allocations are complete.
- D. Stipends given to the student leaders of the SOC are a contestable item in the referendum process. Stipends can be contested separately from the budget of the organization in which they are contained.
- E. Any recovery of funds by SGA.

ARTICLE IX -- THE JUDICIAL COUNCIL

Section 1: Scope and Responsibility

- A. The Judicial Council (JC) is the designated judicial body with jurisdiction over all members of the student body when such members are accused of behavior contrary to the established rules and regulations set forth by SGA and GSA or other SOC's.
 - i. The JC shall provide means by which members of the student body can be heard and judged by their peers, render final judgments on interpretations of the SGA and GSA Constitutions, mediate between disputing parties, and make official recommendations to the SGA and Graduate Senate in cases of dispute.
 - ii. Matters decided by the JC shall be considered matters of precedent, and shall be applied as such in future rulings on similar or identical matters.
 - iii. The six members of the Election Commission will be made up of the six justices of the Judicial Council.
 - iv. Make official recommendations to the SGA/GSA, which shall be binding in the last stage of the referendum process.

Section 2: Membership

- A. The JC shall consist of seven student justices, made up of three graduate students and three undergraduate students and the elected Chief Justice, who have attended the University of St. Thomas for a minimum of one semester and are actively enrolled students at the time of appointment.
- B. Each undergraduate JC student justice shall be nominated to serve a term of two semesters by the SGA President in consultation with the Chief Justice, as provided for in Section VII of the SGA By-laws. Once approved by a majority vote of the SGA Senate, the designated undergraduate student justices must go before the Graduate Senate, at which time the Graduate Senate can veto one of the nominated student justices by two-thirds vote of all members of said board. An explanation of veto must be given.
- C. Each graduate JC student justice shall be nominated to serve a term of two semesters by the GSA President in consultation with the Chief Justice. Once approved by a majority vote of the Graduate Senate, the nominated graduate student justices must go before the SGA Senate, at which time the SGA Senate can veto one of the nominated student justices by two-thirds vote of all members of said board. An explanation of veto must be given.
- D. Compensation for the Justices is determined by their respective Senate.

- E. In cases of veto, the respective group will nominate and select a new student justice for presentation.
- F. The six student justices must be academically eligible, possessing the following:
 - i. A minimum cumulative GPA of 2.50, at the time of nomination and throughout his or her term as justice.
 - ii. Must have a clean disciplinary record in the Office of Student Affairs.
- G. All justices shall take office immediately upon approval.
- H. No justice shall hold another office of the SGA or GSA.
- I. A quorum of the JC shall be the Chief Justice plus two undergraduate and two graduate justices.

Section 3: Officer

- A. The officer of the JC shall be the Chief Justice, who shall be elected by the student body as provided by the Election Code and shall take office immediately.
- B. The Chief Justice must be academically eligible to run for office, possessing the following:
 - i. Must have prior experience on the Judicial Council. Special exceptions may be heard and approved by both the SGA and GSA.
 - ii. Must be a full time enrolled student in good academic standing, with a minimum GPA of 2.50, at the time of election and throughout his or her term as Chief Justice.
 - iii. Must have a clean disciplinary record in the Office of Student Affairs.
- C. The Chief Justice shall:
 - i. Ensure the effective and timely execution of affairs and act as spokesperson for the Judicial Council.
 - ii. Preside over all Judicial Council hearings, approve and moderate any referendums called, shall ensure verbatim records of the Judicial Council proceedings are kept, shall call special meetings of the Judicial Council as necessary, and shall grant or deny a petition for referendum requested by a student organization.
 - iii. Receive a stipend of \$500 per semester. The fall semester stipend will be paid from SGA funds. The spring semester stipend will be paid from GSA funds.
 - iv. Cast a tie breaking vote.
- D. Vacancy or Removal
 - i. The Chief Justice may be removed from office as provided in Article IV, Section 10 of the GSA Constitution and Article X, Section 2 of the SGA Constitution.
 - ii. Removal due to academic ineligibility is automatic and shall be accompanied by a resignation submitted to the JC, the Graduate Senate, and the SGA Senate.
 - iii. The Vice President for Student Affairs or designee shall serve as adviser to the Chief Justice and the Judicial Council, and will oversee the transfer of funds pertaining to the stipend issued.

Section 4 - Jurisdiction

- A. The Judicial Council shall have jurisdiction in all cases involving infractions of SGA or GSA rules and regulations.

- B. The Judicial Council shall have jurisdiction in all matters relating to the Student Activity Fee Budget.
- C. The Judicial Council shall have jurisdiction in all cases between students, and between students and other parties, when agreed to by both parties.
- D. The Judicial Council shall have jurisdiction in all disputes raised by the SOC members or GSA organizations or subordinate clubs against the SGA or GSA, as well as disputes raised by the SGA or GSA against the other SOC or GSA organizations.

Section 5 – Authority

- A. The JC's power shall extend to all cases involving rules, regulations, and issues of equity, which may arise under the SGA and GSA Constitutions, complementary by-laws, or club constitutions. In addition, the JC's power shall extend to all cases in which it has original jurisdiction, or in which a member of the SOC, SGA or the GSA shall be a party. In no case, however, will the JC take any kind of legislative action.
- B. The JC shall respond to complaints concerning SGA and GSA elections to ensure that the elections are executed in a proper manner.
- C. The JC shall impose such penalties as outlined in the SGA/GSA Election Code.
- D. The JC shall have final authority in questions arising from conflicting interpretations of SGA / GSA documents and rules.
- E. The Chief Justice shall decide if there are sufficient grounds for a review of the dispute or of a referendum of legislation.
- F. The JC can accept/adjust the SOC recommendations pertaining to the adjudication of disputes or referendum issues.

Section 6 – Procedures

- A. Rules of procedure shall be herein provided and may be modified by the SGA in conjunction with the Graduate Senate. Changes shall take effect upon a majority approval of the JC.
- B. Formal complaints against a student(s), student organization(s) and/or club/organization advisor(s) must be submitted in writing to the Chief Justice, the SGA advisor or designee and/or the GSA Senate advisor or designee.
- C. Upon receipt of a formal complaint against a student(s), student organization(s) and/or club/organization advisor(s) that has breached any SGA or GSA policies, the Chief Justice must first rule that the petition qualifies both as a contestable item and a legitimate concern of the student body before the complaint can be heard.
 - i. If the Chief Justice determines the complaint is not a contestable item or a legitimate concern or warrants a hearing, the complainant will be informed of this decision by formal written response. The complainant can appeal the decision of the Chief Justice by submitting a written appeal to the Chief Justice, the SGA advisor or designee and/or the GSA Senate advisor or designee within five (5) calendar days of receipt of the decision letter. The appeal would be heard by the Judicial Council, which can overturn the Chief Justice's decision by two-thirds vote. If the appeal is denied, the complainant will be informed of this decision by formal written response. If the appeal is approved, the case will go to hearing.
 - ii. If the Chief Justice determines the complaint is a contestable item and a legitimate concern, the complaint will go to hearing.

- D. The JC shall ensure that any student(s) or student organization(s) charged with a breach of SGA and/or GSA rules and regulations has, prior to appearing before the JC, been presented with a statement defining the composition and authority of the JC.
 - i. Student(s) or student organization(s) charged with a breach of SGA and/or GSA rules and regulations will be referred to as defendant(s) hereafter.
- E. The defendant(s) shall be informed in writing of the alleged violation at least 15 calendar days prior to the scheduled hearing.
- F. The defendant(s) appearing before the JC for a hearing shall have the right to be assisted by one (1) individual of their choice. The assistant is allowed to only advise the defendant during the hearing process. The individual shall not directly participate in the hearing process. The name and credentials of the assistant must be given to the Chief Justice at least three (3) days prior to the hearing. Advisors not presented to the Chief Justice by this time, will not be allowed to serve in the advisor role during the hearing.
- G. The defendant and the complainant have the right to bring witnesses to the hearing. The list of witnesses and credentials must be given to the Chief Justice at least three (3) calendar days prior to the hearing. Witnesses not on the list presented to the Chief Justice at this time, will not be allowed to participate in the hearing process.
- H. Testimony and Evidence
 - i. The defendant(s) shall be given an opportunity to testify and to present evidence and witnesses.
 - ii. The defendant(s), as well as the complainant(s), shall have an opportunity to hear and question witnesses.
 - iii. In no case shall the JC consider statements against other defendants made outside of the hearing.
- I. The proceedings before the JC shall be open to all; only those participating in the hearing are allowed to have a voice.
- J. JC members shall not discuss or review case matters under consideration outside of the hearing itself. Failure to observe this provision shall render such members subject to disciplinary action by the Office of Student Affairs.
- K. No member of the JC shall participate in a decision if he/she is involved in bringing charges or feels prejudiced in the case.
- L. Hearing Procedure
 - i. The Chief Justice will preside over the issue.
 - ii. Voting members in a judicial hearing shall include only members of the JC. In case of a tie, the Chief Justice shall have the deciding vote.
 - iii. The entirety of a judicial hearing shall be open to the public.
 - iv. Should the complainant be a student(s), student organization(s), or club/organization advisor(s), then they must act as the plaintiff.
 - v. Should the charge be against a student(s), student organization(s), or club/organization advisor(s), then they must act as the defendant.
 - vi. During the scheduled time for the judicial hearing, the Chief Justice must ensure that a quorum of justices is present.
 - vii. Order of Hearing
 - 1. The Chief Justice will call the hearing to order.
 - 2. The complainant shall have the opportunity to speak first for a maximum of ten (10) minutes. The defendant shall then have ten (10) minutes to respond to the complainant.

3. The complainant shall call witnesses to speak, one by one. Both the complainant(s) and defendant(s) can question the complainant's witnesses.
 4. The defendant(s) shall call witnesses to speak, one by one. Both the defendant(s) and complainant(s) can question the defendant's witnesses.
 5. The Chief Justice will open the floor to questions from the justices (voting members). Questions can be addressed to either party and/or witnesses.
 6. After the questioning period, the defendant will have the opportunity to make a closing statement, followed by a closing statement by the complainant. Each closing statement may be no longer than five (5) minutes.
 7. The voting members in the judicial hearing may then meet in a separate room to deliberate and vote on the case. This meeting shall be closed to all, except members of the JC. The vote is recorded by the Chief Justice. If appropriate, penalties are determined at this time.
 8. The JC will return to the hearing location to render their decisions.
- viii. The majority opinion of the court shall be written by the justices in the majority, and shall be made a matter of public record. Any written dissenting opinions shall be made a matter of public record.
- M. Written notice of penalties (see Section 7) imposed on students or groups charged with violations of SGA or GSA rules and regulations shall be sent to the students involved, and a copy filed by the Chief Justice in the SGA and GSA offices.
- N. Records
- i. There shall be a verbatim record of the hearing.
 - ii. A transcript of the hearing shall be made a matter of public record maintained in the Office of Student Affairs.
- O. For issues merely involving interpretation of the SGA or GSA or other SOC constitutions, a formal statement in writing must be submitted to the Chief Justice.
- a. Any student currently enrolled at UST has the right to request an official interpretation of the SGA or GSA or other SOC constitution. After filing a formal statement in writing to the Chief Justice, the student hereafter shall be referred to as the petitioner.
 - b. Upon receipt of request for an official interpretation, the Chief Justice has 15 school days maximum in which to convene the JC (making sure quorum is made) in order to render an official interpretation.
 - c. In the case of pressing urgency, the Chief Justice may convene the JC by email or other form of electronic communication in order to render a decision.
 - d. Once an official decision has been made by the JC, the JC shall act so as to immediately inform the petitioner about their interpretation of said constitution.
 - e. The majority decision of the Judicial Council shall be made in writing and made a matter of public record. Any written dissenting opinions shall also be made a matter of public record. Copies of these decisions shall be kept in the Office of Student Affairs as well as in the SGA and GSA offices.
 - f. All constitutional interpretations are binding and considered to be a matter of precedent.

Section 7 – Penalties and Decisions

- A. After hearing a case, the JC may decide as follows:
- i. Not Guilty. No violations of a regulation have been proven.

- ii. Guilty. A violation of a regulation has been proven. In this case, the council may decide as follows:
 - a. Warning:
 - i. Admonition – a written reprimand from the JC.
 - ii. Disciplinary Warning – indicates that further violations may result in more severe disciplinary action. The warning shall not exceed a period of one calendar year and shall be removed automatically when the imposed period expires.
 - b. Penalty. As is deemed necessary and is within the JC’s power, including those penalties outlined in the Election Code, which shall also include the following:
 - i. Disciplinary Probation – indicates further violations may result in additional disciplinary sanctions, up to and including expulsion from GSA or SGA or other said SOC. Such probation may last longer than one calendar year.
 - ii. Restitution – reimbursement for damages, or misappropriation of property. Reimbursement may take the form of service in kind if guilty party is unable to pay or if the JC deems this is a more fitting penalty.
 - iii. Suspension of Rights and Privileges – this is a flexible penalty which may impose limitations to fit a particular case.
 - iv. Suspension from GSA or SGA or other said SOC – prohibits the student during the period of suspension from exercising any duties of said GSA or GSA or other SOC office or position, and may include banning of said individual from any GSA or SGA or other SOC events for said period of time.
 - v. Expulsion – guilty party is expelled from GSA or SGA or other SOC office or position. The JC may also ban said individual from running for any said GSA or SGA or other SOC position or office in the future.
 - vi. Any combination of the above actions.
- B. Interpretation and Precedent. Upon hearing a case involving a constitution for SGA or GSA, a component, or a subordinate organization, the interpretation is considered precedent upon the rendering of the final decision.

Section 8 – Fere Irrevocability of the Judicial Council Article

- a. **This article can only be changed if both the Graduate Senate and SGA go through their proper procedures in their constitutions to amend it. Both entities must agree on the said changes.**

ARTICLE X -- IMPEACHMENT AND VACANCIES

Section 1 -- Impeachment of any SGA representative (including JC and EC members) shall be achieved by the following process:

- A. One-third of the Senators shall submit a petition to the JC Chief Justice to determine the legitimacy of the petition.
- B. The JC Chief Justice shall consult with JC in order to determine by a majority vote whether the petition raises a legitimate article of impeachment.

- C. Legitimate grounds for impeachment are defined as any violation of the Student Handbook Code of Conduct, negligence in performance of the duties enumerated within the SGA Constitution (including the Election Code), or any other violations of this Constitution.
- D. Once such a petition is deemed to present legitimate grounds for impeachment, the article(s) of impeachment shall be presented to the SGA for final judgment. The JC Chief Justice shall preside over the proceedings.
- E. The representative in question shall be removed from office upon a three-fourths vote of the Senate, after the conditions listed above have been met.
- F. In the event that the JC Chief Justice is the representative in question, the President shall assume his/her duties directly relating to the impeachment process, and the Executive Committee will assume the duties of the JC (i.e., determining legitimacy of the petition).

Section 2 -- Vacancies

- A. In the event of a vacancy of the Presidency, the Vice President shall assume the Presidency in full.
- B. In the event of a vacancy of the Vice Presidency, the SGA Pro-Tempore shall assume the Vice Presidency in full.
- C. In the event of a vacancy of both the Presidency and Vice Presidency, the SGA Pro-Tempore shall temporarily assume all duties until a special election can be held. Only Senators are eligible to run in the election.
- D. In the event of a vacancy in the JC Chief Justiceship, the SGA shall appoint one of the current justices to temporarily assume those duties until a special election can be held. That appointee shall not receive a stipend.
- E. In the event of a vacancy in any senatorial position, a replacement shall be selected through the process specified in Section VII of the By-Laws.
- F. In the event of vacancies in all other positions, the vacancy will be filled by the standard procedure for filling that position.
- G. Vacancy shall include any unoccupied position, whether due to impeachment, resignation, academic removal, or *force majeure*.

ARTICLE XI - AMENDMENTS TO THE CONSTITUTION

Section 1 -- This constitution may be amended by a three-fourths vote of Senate, followed by a simple majority of all votes cast by the student body in a general election, unless otherwise stipulated in this Constitution.

ARTICLE XII -- RATIFICATION

Section 1 -- This constitution shall take effect after that approval of a simple majority of all votes cast by the student body in a general election.

This amended version of the constitution was approved by the SGA and ratified by the student body this numerical day of month, 2014.

ARTICLE XIII -- YEAR END CLOSE OUT

At the end of the fiscal year:

- A. All Funds remaining in the accounts of student activity fee recipients, excluding fundraised and gifted monies shall be returned to the Student Activity Fee Fund Account.
- B. All monies remaining in a fundraising line item, after all expenses are paid, shall remain in said line item for the next fiscal year.

ARTICLE XIV -- FREE SPEECH CLAUSE

Section 1 -- The SGA shall pass no legislation that results in censorship of any student or student publication. The SGA must respect and protect the freedom of speech, the autonomy of student publications, and the essential role of a free press in a fair and democratic system of the student government. Any denial or reclamation of funds cannot be based on the content or viewpoints expressed in such student publications.

This constitution amended and ratified on Thursday September 25th, 2014.

CONSTITUTIONAL BY-LAWS

Section I -- Terms

- A. Quorum -- The minimum requirement for a quorum shall be a simple majority of the current Senate membership.
- B. Good Academic Standing is defined as a minimum GPA of 2.5.
- C. Student Funds are composed of all monies collected by the university administration for student activities, including the Student Activity Fee.

Section II -- Meetings of the Senate

- A. The SGA will generally meet each Tuesday during the fall and spring semesters when classes are not in session at a time and place designated by the President of the SGA.
- B. A quorum must be present before any vote of the Senate.
- C. No official business of the SGA shall be conducted in absence of a quorum.
- D. All votes by the Senate shall be decided by a simple majority unless otherwise specified.
- E. The President will propose rules of procedure for Senate approval.

Section III -- Stipends of the SGA

- A. The President of the SGA shall receive a stipend of \$3,400 from the SGA per semester.
- B. The Vice President of the SGA shall receive a stipend of \$1,700 from the SGA per semester.
- C. The JC Chief Justice shall receive a stipend \$250 from the SGA per semester and \$250 from the Graduate Student Association (GSA) per semester.
- D. The subject of wage or stipend for any non-judicial nominated position should be handled at the discretion of the SGA Executive Committee.

- E. In case of a vacancy, the newly elected officer shall automatically receive the appropriate stipend if his/her term covers an entire semester. In the case that a term covers a portion of a semester, the Senate shall approve pro-rated compensation by a simple majority vote.
- F. All Students receiving money from the student activity fee fund account for the purpose of stipends or hourly wages cannot be denied allocated amount unless removed from position by student membership of the organization or resignation. Any dispute concerning remaining allocated funds after removal from position will be at the discretion of the Judicial Council.

Section IV -- Standing Committees of the SGA

- A. The Academic Affairs Committee will address complaints and suggestions of the students concerning administration and faculty. This Committee will work with the administration to maintain communication with the student body on all academic issues. It will also address specific areas such as the writing and implementation of any Constitutional amendments.
- B. The SGA Finance Committee will address complaints and suggestions of the students concerning the allocation, spending, and adjustment of all Student Activity funds. This Committee will be responsible for obtaining, inspecting and reviewing any financial records pertaining to Student Funds. The Committee shall report all findings to the SGA including any records or policies inconsistent with the SGA Constitution or By-Laws, as well as update the SGA as to the status of all accounts that contain Student Funds at each meeting of the SGA. This Committee will also work with the administration to maintain communication with the student body on all issues concerning Student Funds. This Committee will also address all concerns pertaining to tuition and financial aid issues. The committee co-chairs (Vice-President and Treasurer) shall attend any fiscal closeout meetings involving student activity fee recipients.
- C. All other standing and ad-hoc committees will be formed through the Executive Committee as deemed necessary.

Section V -- Student Positions on University Committees

- A. The Student members of each University Committee are required to report to the President of the SGA once a month. The President shall ensure that these reports are submitted and presented to the SGA.
- B. Each report shall describe the committee's activities and may make recommendations for SGA action.

Section VI -- Election Code

- A. All student body elections (including Senatorial elections) shall be conducted according to the Election Code.
- B. The Election Code may be amended, ratified, and shall take effect after a two-thirds vote of Senate.

Section VII -- Nominations

- A. The incoming President shall submit candidates to the Executive Committee for nomination. After a vote by the Executive Committee, the President shall submit the Executive Committee's nominations of the candidates to the Senate for approval by a two-thirds vote. The following positions shall be nominated by the SGA:

- i. Chair Pro-Tempore
- ii. Secretary
- iii. Treasurer
- iv. Parliamentarian
- v. Judicial Council Undergraduate Justices (the Chief Justice shall be empowered to participate in Executive Committee votes on proposed JC nominees)
- vi. Student Representatives for University Committees or Board of Directors
- vii. SGA Committee Chairs
- viii. Any other position that is necessary

Section VIII -- Legislation

- A. All legislation of the Senate shall be classified as:
 - i. Amendments to the Constitution or By-Laws as prescribed elsewhere in this Constitution;
 - ii. Senate Resolutions, which shall be enacted by a simple majority vote to state fundamental theory or opinion, in order to exert the influence of SGA on some issues in a formal manner;
 - iii. Senate Bills, which shall be enacted by a simple majority vote of the Senate. Any bill that requires the approval of Student funds must be submitted in writing. The Senate can approve emergency legislation that allocates Student Funds without written legislation with a three-fourths vote and the condition that after passage, the action will be committed to written form for the official record;
 - A. An emergency shall be defined as Unintended or unexpected events that could be detrimental to the Student body or University
 - iv. Contestable legislation as defined in Article VIII, Section 2, which must be written in bill form.
- B. Bills are not enacted until signed by the President. If not signed by the fifth school day following adoption, said legislation shall automatically go into effect. The President must state in writing to the Senate within five days his/her reason for vetoing any bill.
- C. Amendment and Repeal of Existing Legislation
 - i. All bills to amend or repeal existing legislation shall be clearly labeled as such, and shall clearly state the nature of the change(s), and must be submitted in written form before a vote is cast.
- D. The written form of legislation.
 - i. All Senate bills must display the Senate bill number, the dates of introduction and adoption, the title, the name of the sponsoring Senator(s), the actual text of the legislation, and a place for the SGA President to sign the bill and date his/her signature. The enrolled bill must provide a space for the President's signature or veto statement, the vote, amendments, and a record reflecting passage or failure.

Section IX -- Spring Scheduling

- A. The Vice President shall calculate and report the schedule of events relating to the initial budget allocation meetings.
 - 1. The referendum process must be completed by the last day of classes.
 - 2. Five class days shall be allowed to complete the referendum process.
 - 3. Five class days prior to those required by item 2 shall be allowed for organizations to file referendums.
 - 4. One class day prior to those required by item 3 shall be allowed for SGA to notify organizations of the final allocations.
 - 5. A maximum of seven class days prior to the day required by item 4 shall be allowed for SGA to complete the initial allocations process as provided for in Article VII.
 - 6. One class day prior to those required by item 5 shall be allowed for SGA to review the submitted budgets before beginning the initial allocations process.
 - 7. Ten class days prior to the day required by item 6 shall be allowed for incoming leaders to receive and prepare budgets, unless the election process has not been completed, but in no case will less than five days be allowed.
- B. The Election Commission, in conjunction with the Vice President, shall determine the schedule for the spring elections.
 - 1. Ten class days shall be allowed for the Election Commissions to publicize the offices open and the election itself. The last day will be the deadline for candidates to file for office.
 - 2. Five class days shall be allowed for candidates to campaign.
 - 3. Four class days shall be allowed for elections to be held, although the elections shall be held on two consecutive class days.
 - 4. Two class days shall be allowed for students to file complaints as provided for in Article VII, Section 1 of the Election Code.
 - 5. One class day shall be allowed for JC to complete any hearings on election complaints and render a decision.
 - 6. Two class days shall be allowed for run-off elections or elections called by JC as a result of a complaint.
 - 7. At least five days shall be allowed for incoming leaders to receive and prepare budgets (as determined in A(7) above).
 - 8. Counting the day before the deadline for the submission of budgets as Day One (as determined in A(6) above), the Election Commission shall count backwards using the guidelines specified above.
- C. In case of any conflicts within scheduling process, SGA shall be able to provide a solution with permanently changing the above section of the By-Laws.

Section X -- Amendments to the By-Laws

- A. The Senate may amend these By-Laws by a two-thirds vote.

Section XI -- Attendance

- A. The Elected representatives of the SGA are expected to attend the full duration of all meetings.
 - i. An absence is incurred when a Senator is not present at a formal SGA meeting. (Tuesdays 12:30-2:00p.m. during the academic year)
 - ii. Arriving after the roll call will be considered a tardy. Three instances of tardiness will count as one absence.
 - iii. If a Senator incurs two absences during one semester of an elected term, their status as a Senator is to be reviewed by the SGA.
 - iv. The SGA can remove a Senator in violation of the attendance policy by a two-thirds vote.
- B. The Elected representatives of the SGA are expected to attend their assigned office hours.
 - i. An absence is incurred when an SGA representative missed a total time of 15 minutes per allotted office hour.
 - ii. An absence from an allotted office hour is equivalent to a half absence from SGA Meetings under Section XI, Subsection A.
 - iii. A senator may have an excused time or absence with prior notice to the SGA President and Executive Board with valid reason or in emergency situations.

Section XIII – Conflict of Interest between SOC and SGA

- A. All future and current SOC's along with their elected or their two most senior appointed leadership positions shall be subject to the SGA Senate By-Law.
- B. No SOC shall circumnavigate or otherwise defeat the spirit of this By-Law, which is: The SOC is not a legislative entity, and thus its leaders must not enter into the SGA Senate and concurrently serve as a leader or leaders of an SOC.
- C. This By-Law allows for an SOC leader to formally resign their SOC leadership position in writing and thus surrender all rights, privileges, stipends, and entitlements of that elected or appointed SOC leadership position. Once affected, then that student would no longer be considered in danger of concurrently serving in the SGA Senate and in an SOC leadership position.
- D. No member of the Judicial Council may seek a seat in the Senate. No member of the Judicial Council may seek to fill a vacant seat in the Senate.
 - i. A Justice may choose to resign from the Judicial Council of his or her own free will; however, that student shall not be eligible to run for SGA Senator until the spring election.

Section XIV -- Standard Advertising

- A. The Duty to maintain the standardized advertising board shall be placed on the Vice President, to the expectation of the Senate and Executive Board, to be punishable by impeachment.

Section XV -- Transfer of Authority

- A. All duties, faculties, responsibilities, powers, authorizations, passwords, access, permissions, belongings, intellectual property, intellectual representations of any and all SGA operation and property entrusted to the SGA President and Vice-President, and by extension the executive committee of the outgoing administration, are to be transferred immediately following the swearing in of the incoming administration consisting of the President and Vice-President.
- B. The outgoing administration will be given up to a 48 hour grace period (at the discretion of the incoming President) after the swearing in ceremony of the incoming President and Vice-President, for the outgoing administration to retrieve personal belongings in any of the Executive Committee facilities (this, however, does not include any accounts including, online, social media, or finances.)