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Student Government Constitution - Updated 05-10-10

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Constitution of the Student Body of the University of South Florida at Tampa

We, the Student Body, of the University of South Florida, in order to provide effective student representation before all vested bodies of influence, for the purpose of giving, guidance and stewardship concerning the allocation and expenditure of our student finances to serve in the best interest of our student body; and to provide ourselves with the highest caliber of enriching and educational activities and services do hereby establish and ordain this Constitution.¹

ARTICLE I: MEMBERSHIP AND RIGHTS OF STUDENTS

SECTION I: All students by virtue of their active registration at the University of South Florida, Tampa Campus are members of the Tampa Campus Student Body and are granted all the rights and privileges of this Constitution. The Student Body shall establish a Student Government Association which shall govern and represent the interest of the Student Body. The Student Government Association which shall be governed, accountable to and maintained by the Student Body. The Student Government Association hereinafter may be referred to as “Student Government”, “SG” or “SGA.”

SECTION II: The Student Government Association shall be comprised of the Executive, Legislative, and Judicial Branches; in addition to functional groups and entities defined within the Student Body Constitution and Student Government Statutes. The powers and responsibilities of the Student Government Association shall be promulgated by the Constitution of the Student Body and the Student Government Statutes (hereinafter may be referred to as the “Statutes”) which shall not conflict with University Regulations or any other municipal, state, or federal law.

SECTION III: The differential treatment of a student based on factors including, but not limited to, race, creed, religion, sex, age, sexual orientation, national origin, marital status, parental status, disability, personal wealth, or any combination thereof, is deemed unacceptable. The denial of due process or the infringement of the substantive rights of any student will not be tolerated.

¹ SB [C] 49-001 revised entire Constitution

SECTION IV: All undergraduate members of Student Government shall be enrolled for a minimum of six credit hours as degree seeking students and all graduate members shall be enrolled for a minimum of four credit hours as post-baccalaureate students during the fall and spring semesters unless otherwise provided by the Constitution or Statutes. Summer semester requirements shall be provided by Statutes.

The members of Student Government must be students in good academic standing, according to the University Code of Conduct, and may not be under disciplinary probation, suspension or expulsion.

ARTICLE II: THE EXECUTIVE

SECTION I: The Executive branch shall consist of the Student Body President; Student Body Vice President; all department, office, bureau, and agency employees; and all executive appointees; hereinafter may be referred to as executive officers. No executive employee may hold an office in any other branch of Student Government during his/her term of office in the executive branch, unless otherwise provided in the Constitution or Statutes.

SECTION II: All executive powers of the Student Body shall be vested in the Student Body President. The President shall have the power to nominate and, with the advice and consent of the Student Senate, appoint all department, office, bureau, and agency directors. All other members of the Executive Branch may be appointed by the Student Body President without the advice and consent of the Student Senate unless otherwise provided by the Constitution or Statutes.

SECTION III: The Student Body President shall be responsible for the oversight of all agencies, offices, and departments of Student Government.

SECTION IV: The Student Body President shall nominate, and with the advice and consent of the Senate, appoint justices to the Student Supreme Court.

SECTION V: The Student Body President shall recommend students for appointment to, or removal from, University-wide Councils, committees and boards with the advice and consent of a Senate committee as outlined in the Constitution or Statutes.

SECTION VI: The Student Body President shall represent the Student Body before the Florida Student Association and/or other similar representative bodies.

SECTION VII: The Student Body President shall sign or veto, within ten (10) business days, all constitutional amendments, statutes and appropriations passed by the Senate. The President's failure to act during this specified time shall be deemed approval of such legislation and appropriations. The Student Senate may override, by a two-thirds vote, a veto by the Student Government President.

SECTION VIII: The Student Body President shall address the Student Senate at least once each semester and on other occasions at the invitation of the Student Senate President.

SECTION IX: The Student Body President may call for a referendum of the student body, subject to approval by two-thirds vote of the Senate.

SECTION X: The Student Body President shall initiate the annual budget process by convening an Activity & Service Fee Recommendation Committee, which shall be outlined within the Constitution or Statutes.

SECTION XI: No candidate shall be elected or appointed to any executive office until a certification from the Division of Student Affairs, attesting that the candidate has met all of the qualifications for that office to include enrollment pursuant to Article I, Section IV with this Constitution at the beginning of a term, has been filed with the Office of the Student Body President.

SECTION XII: In the event the Student Body President resigns, is impeached, or is unable to perform the powers and duties of the office, the Student Body Vice President shall become the President.

SECTION XIII: In the event that the office of Student Body Vice President becomes vacant for any reason, the Student Body President shall nominate and, with the advice and consent of the Senate, appoint a new Vice President.

SECTION XIV: In the event of vacancy in the office of Student Body Vice President at the time of vacancy of the office of Student Body President, the order of succession shall be the Student Senate President, Student Senate President Pro-Tempore, and Attorney General.

ARTICLE III: THE LEGISLATIVE

SECTION I: The legislative authority of the Student Body shall be vested in the Student Senate, hereinafter referred to as the Senate.

SECTION II: The Senate will be composed of representatives from each of the Colleges of the University. The total number of Senate seats will be 60. The apportionment of the seats will be set according to the percentages of the total number of students enrolled at each of the respective Colleges as outlined within the Constitution or Statutes.

SECTION III: No student may be a candidate for election to the Student Senate until a certification from the Division of Student Affairs attesting that the candidate has met all of the qualifications for office to include enrollment pursuant to Article I, Section IV of this Constitution at the beginning of a term, has been filed with the Office of the Student Senate President Pro-Tempore.

SECTION IV: The Senate shall have the authority to enact, amend or repeal statutes of Student Government by a majority vote. The Senate shall also have the authority to enact non-binding resolutions, conclusions, memorials, and its own Rules of Procedure.

SECTION V: The Senate shall have the authority to enact, and repeal, by two-thirds vote, statutes governing election of all Student Government officers.

SECTION VI: The Senate may propose, by a two-thirds vote, any constitutional amendment.

SECTION VII: The Senate may approve, by a majority vote, Executive Appointees of the Student Body President. The Student Body President must inform the Student Senate President in writing within one business day of the initial appointment. Failure to act on any Presidential Executive appointment within twenty business days shall be deemed approval of such appointment.

SECTION VIII: The Senate may override, by a two-thirds vote, a veto by the Student Body President.

SECTION IX: The Senate shall have the authority to approve and allocate all Activity & Service fee appropriations by a majority vote unless otherwise specified within the Constitution or Statutes.

SECTION X: The Senate shall have the power to impeach any person within Student Government except those expressly prohibited by the Constitution, Statutes, and University of South Florida Administrative Policy.

SECTION XI: The Senate shall establish its own meeting times, rules and procedures. The Senate shall assemble in open meetings at frequent intervals for the deliberation of legislation and the business of the student body. No officer may hold an office in any other branch, agency, or department of Student Government during his/her term of office in the legislative branch.

SECTION XII: The Senate shall provide for the compilation and publication of all legislation.

SECTION XIII: The Senate shall establish means through which the student body can actively participate in the formulation of policies that affect them.

SECTION XIV: The Senate shall have the authority to appoint any committee necessary to the operation of the Senate, and to appoint and remove any committee chair. No member of the Senate may chair more than one standing committee.

SECTION XV: The Senate shall elect a Senate President and all other executive officers of the Senate at the beginning of each term as provided by statute. The duties of the Student Senate President, the highest elected official in the Senate, and all other officers shall be as detailed by the Student Government Statutes, and the Senate Rules of Procedure.

ARTICLE IV: THE JUDICIAL

SECTION I: The judicial power of Student Body shall be vested in the Student Supreme Court, hereinafter may be referred to as The Supreme Court. The Supreme Court shall have jurisdiction over all cases and controversies, excluding those delegated to other entities by the University Board of Trustees, involving the Student Body and Student Government Association, including the power to declare any act of the Student Government Association unconstitutional. Any decision or ruling made by the Student Supreme Court may be appealed, according to habeas corpus, only by the prosecution or the defense in the particular controversy or case, to the Dean for Students of the Division of Student Affairs.

SECTION II: The Supreme Court shall try all cases of impeachment brought by the Senate.

SECTION III: The Supreme Court shall adopt rules for its practice and procedure, including the time for seeking appellate review. These rules may be repealed by statute enacted by two-thirds vote of the Senate.

SECTION IV: The Supreme Court shall be comprised of nine (9) Justices. The Student Body President shall nominate and, by and with the advice and consent of the Senate, appoint Justices who shall serve no more than three terms, unless re-appointed by the Student Body President. These terms shall run concurrently with the terms of the other branches. No justice may hold an office in any other branch of Student Government.

SECTION V: The Student Body President, by and with the advice and consent of the Senate, shall appoint a justice to serve as the Chief Justice for the Supreme Court. The Chief Justice shall serve for one term, and may be appointed for additional terms.

SECTION VI: Any justices serving at the time of the adoption of this language shall be removed following the end of those justices' terms.²

SECTION VII: Cases of impeachment of a justice shall be tried by a Judicial Review Committee. The Judicial Review Committee shall be composed of nine students, five appointed by the Student Body President and four appointed by the Senate. A justice may not be removed from office except on a two-thirds vote of the Judicial Review Committee.

ARTICLE V: THE ELECTION PROCESS AND VOTERS RIGHTS

SECTION I: All student enrolled at the University of South Florida, Tampa Campus shall be entitled to vote in the general, mid-term, and interim elections of the Student Government Association. All students enrolled in the University of South Florida system may vote for the Student Body President and Student Body Vice-President. Any student has the right to call for a University-Wide initiative/referendum election provided that a petition signed by at least 20% of the number of students that voted in the most recent general election is submitted as specified by Statutes. Any student has the right to call for a University-Wide Senatorial recall election provided that a petition signed by at least 10% of the number of students that voted in the most recent general election is submitted as specified by Statutes; the students that sign the petition must be from the respective college of the Senator. Additionally, any student has the right to call for a University-Wide Presidential recall election provided that a petition signed by at least 10% of the Student Body is submitted as specified by Statutes. Student Body enrollment figures shall be determined by the Registrar's Office at the time of the initiative/referendum/recall.

SECTION II: All candidates for the offices of Student Body President and Student Body Vice-President shall form joint candidacies so that each voter shall cast a single vote for a candidate for President and a candidate for Vice-President running together. Election for President and Vice-President shall take place four consecutive days beginning on the Monday, nine business days prior to Spring Break. Run-off elections, if necessary, shall be held the following Tuesday and Wednesday. The President and Vice-President shall take office the first Monday following Spring

² SB 47-087, Modifies Sections IV-VI

Commencement. The President and Vice-President shall serve a one-year term of office. No President or Vice-President may serve more than two consecutive terms.

SECTION III: The General Election for the Senate shall take place four consecutive days beginning on the Monday, nine business days prior to Spring Break. Run-off elections, if necessary, shall be held the following Tuesday and Wednesday. Senators shall take office the first Monday following Spring Commencement. Senators shall serve a one-year term of office.

SECTION IV: The interim elections for the Senate shall take place as deemed necessary by statutes and the duration of the election shall be two consecutive business days beginning on the first Tuesday of the month.

SECTION V: If the election process enumerated in the Constitution and the Statutes cannot select an official and sworn Student Body President and Student Body Vice-President within ten business days of the University Spring Commencement, then the Student Senate of the previous term shall select from the certified pool of Campaign Tickets, a joint Presidential and Vice-Presidential ticket to be the President and Vice-President. This shall occur, even if there is pending litigation or dispute. If the President and Vice-President have been selected by this particular section, then they shall be subject to a Student Body Vote of Confidence in the next Mid-Term election. Should the President and Vice-President be removed by the Vote of Confidence ($2/3^{\text{rds}} + 1$) of the electorate vote “no-confidence”, then the Order of Succession shall determine the new officers and a Special Election shall take place four weeks after the Mid-Term election and shall be governed similar to the General Election, except that dates mentioned in the General Election statute shall be modified to reflect the Special Elections date and time.

ARTICLE VI: CONSTITUTIONAL AMENDMENTS

SECTION I: Amendments to this Constitution shall be placed at the end of this document and must be approved by a majority vote of the Student Body, during a General or Mid-Term Election after recommendation by the Senate. All final appeals by the student body of changes to this Constitution or the Student Government Statutes shall be heard by the University Board of Trustees.

CONSTITUTIONAL AMENDMENTS

AMENDMENT I: If there should ever be conflict between the Student Body Constitution and the Statutes, the Student Body Constitution shall prevail.

AMENDMENT II: If there should ever be a conflict between an amendment to this constitution and a prior standing article, the amendment shall prevail.

AMENDMENT III: The Student Supreme Court is the final judicial authority within any case or controversy within Student Government. Any other external case or controversy may be appealed to its respective appellate board or designee.

AMENDMENT IV: The Executive Branch shall also consist of an Attorney General and Chief Financial Officer. Their respective duties and roles within the Executive Branch shall be outlined within statutes. The Attorney General and Chief Financial Officer shall be appointed by the Student Body President and confirmed by the Student Senate as outlined in the constitution and statutes.

AMENDMENT V: Bureaus of Student Government are part of the Executive Branch, however their respective Directors shall be chosen by the Division of Student affairs or their respective University administrative entity, in conjunction with Student Government, as outlined in statutes. The Student Body President may not exercise any executive power over any Bureau. The subject of Student Government members and their employment within these bureaus shall be outlined within statutes.

AMENDMENT VI: The Timeline for all elections shall be outlined in statutes.³

*The Student Body Constitution was last updated on May 10th, 2010 by Matthew A. Diaz, Senate President
Pro Tempore of the 50th Legislative Term.*

³ SB [C] 50-001, Adds amendments I through VI.