

Constitution

of the Undergraduate Student Government of The Ohio State University

Enacted by Vote of the Student Body, April 20, 2008

Including Amendments of the USG Student Senate via Article VIII.D – October 28, 2009 BNE

Preamble

Wherein students have both the right and the obligation to guide their university, and in the belief that a democratic student government is the best manner through which these are fulfilled, we, the undergraduate students of The Ohio State University, hereby create this government to be called the Undergraduate Student Government of The Ohio State University. With authority derived from the undergraduate student body and existence recognized by the faculty and administration of this university, this student government shall dedicate itself to the betterment of higher education and student life. It shall be accessible to undergraduate students while being attentive to and a voice for undergraduate concerns.

We recognize that certain statutes of the Ohio Revised Code and bylaws of The Ohio State University Board of Trustees govern the administration of The Ohio State University and delineate responsibility and authority in the area of student affairs. Accordingly, we recognize our freedoms with respect to these existing statutes, summarized as follows:

1. The government of The Ohio State University is vested in the OSU Board of Trustees, which may adopt bylaws, rules, and regulations for the governance of the university. The Board of Trustees of any university that receives any state funds in support thereof shall have full power and authority on all matters relative to the administration of said university, as per Ohio Revised Code Statutes 3335.02, 3335.03, and 3335.08 pertaining to The Ohio State University.
2. “Detailed rules and regulations for the organization, administration, and operation of the university may be promulgated, amended, and repealed by the Board of Trustees upon its own initiative or upon recommendation of the university faculty or the Faculty Council” (Section 3335-1-09, Subsection A. of the bylaws of the Ohio State University Board of Trustees).
3. The Ohio State University Board of Trustees is subject to all laws that govern the State of Ohio. Article 1, Section 11 of the Constitution of the State of Ohio provides that "every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right."

This government shall be comprised of a unicameral legislature, an executive, a judiciary, and independent officers, granted their respective powers and responsibilities enumerated herein:

Article I: The Legislative Branch

A. The Senate

1. The Senate shall serve as the undergraduate student body's representative and legislative body.
 - a. Every College with an Undergraduate major must have at least one Senate seat that is shared with no other constituency and no other College.
 - b. Every Living Area must have at least one Senate seat that is shared with no other constituency.
 - c. The Senate reserves the right to add or subtract other constituencies as it sees fit.
2. Members of Senate shall be elected annually by undergraduate students in their respective constituencies.
 - a. A member of Senate elected during a Undergraduate Student Government general election shall serve for one year.
3. Members of Senate shall serve as the chief spokespersons and representatives for the undergraduates of their constituencies.
4. Members of Senate shall remain accessible and accountable to their constituencies.

B. Powers of the Senate

1. The Senate shall retain the sole authority to create, evaluate, and amend bylaws of the Undergraduate Student Government.
 - a. Bylaws may not conflict with this Constitution, the University Code of Student Conduct, or any other relevant rules and regulations.
 - b. Bylaws shall become effective when they are passed by the Senate and signed by the President and shall remain in effect until they are amended or eliminated.
 - c. All members of Undergraduate Student Government and all candidates in an Undergraduate Student Government general election are bound by any bylaws of the Undergraduate Student Government.
 - d. Bylaws may be created or amended with a two-thirds vote of members present, except in the case of elections bylaws, where only a simple majority vote of members present is needed.
2. The Senate may override a presidential veto with a two-thirds vote of members present.
3. The Senate shall retain the exclusive authority to censure or impeach any member of the Undergraduate Student Government.
 - a. Censure shall require a two-thirds vote of members present.
 - b. Initiation of impeachment proceedings requires a simple majority vote of members present and may only be considered at a general meeting of the Senate.

- c. Impeachment shall require a hearing in front of a general meeting of the Senate.
 - (1) Impeachment shall require a two-thirds vote of members of Senate present.
 - (2) The Speaker of the Senate shall be required to invite the candidate for impeachment to attend the hearing.
4. The Senate may regulate its membership in any reasonable manner.
5. The Senate may legislate opinion on behalf of Undergraduate Student Government, subject to approval of the President. The President may veto said opinion, in which case it is solely the opinion of the Senate. Should the Senate override the Presidential veto, the opinion shall be that of the entire Undergraduate Student Government.

C. Responsibilities of the Senate

1. The Senate shall retain the sole authority to create, evaluate, and amend legislation of the Undergraduate Student Government, with exceptions granted herein.
 - a. Legislation shall expire at the end of the Senate term in which it is enacted, unless otherwise specified.
 - b. Legislation may not conflict with this Constitution, the University Code of Student Conduct, or any other relevant rules and regulations.
 - c. All members of Undergraduate Student Government are bound by enacted legislation.
 - d. Legislation requires a simple majority vote of members of Senate present to be passed, except in cases enumerated herein.
2. The Senate shall retain the authority to monitor, and the sole authority to allocate, and control all Undergraduate Student Government funds.
 - a. The Senate shall approve the organization's budget by a 2/3 vote of the members of Senate present.
3. The Senate shall choose a Speaker of the Senate from amongst its members.

D. Legislative powers not enumerated in this article shall be reserved by the Senate.

Article II: The Executive Branch

A. The President

1. The President shall serve as the chief executive and spokesperson of the undergraduate student body.
2. The President shall be elected annually by the undergraduate student body for a term of one year.
3. The President shall have the following powers:
 - a. Sign or veto approved Senate legislation within one academic week of its passage.
 - i. Signed legislation is enacted.
 - ii. Vetoed legislation is not enacted, unless over-ridden by the Senate.
 - iii. Senate legislation neither signed nor vetoed within one academic week of passage shall be considered enacted.

- iv. Elections bylaws, elections, appointments, and disciplinary action are not subject to presidential veto.
 - b. Appoint an Executive Cabinet to act as an extension of Executive authority.
 - i. All members of the Executive Cabinet shall serve at the discretion of the President.
 - ii. The Senate may abolish a cabinet office with a two-thirds vote.
 - iii. Nominations by the President shall be confirmed or rejected by the Senate. Confirmation shall require a two-thirds vote.
 - c. Attend general meetings of the Senate.
 - d. Exercise powers of speech and debate in general Senate meetings only with the consent of and at the discretion of the Speaker of the Senate or when directly questioned.
 - 4. The President shall have the following responsibilities:
 - a. Submit, in the form of legislation, executive appointments to the Senate for approval.
 - b. Submit, in the form of legislation, a budget and budget structure to the Senate for approval by the end of the quarter in which the President is elected.
 - c. Ensure that an Executive Report is given at every general Senate meeting.
 - d. Ensure that all enacted legislation is carried out.
 - e. Ensure that all Judicial Panel rulings are enforced.
- B. The Vice President
- 1. The Vice President shall be elected jointly with the President.
 - 2. The Vice President shall retain the powers of speech and debate at a general Senate meeting.
 - 3. The Vice President shall have the following responsibilities:
 - a. Cast a tie-breaking vote in the Senate.
 - i. For the purposes of quorum, the Vice President shall not count as a member of the Senate.
 - b. Attend all meetings of the Senate.
 - c. Nominate candidates for executive appointments not filled by the President.
 - i. Nominations by the Vice President shall be confirmed or rejected by the Senate. Confirmation shall require a two-thirds vote.
- C. The President and Vice President retain all powers necessary and proper to carry out the duties of their offices.

Article III: The Judicial Branch

- A. The Undergraduate Student Government Judicial Panel
- 1. The Undergraduate Student Government Judicial Panel shall serve as the organization's judicial branch, with original jurisdiction over all alleged violations of this Constitution and rules extending thereof.
 - 2. The Judicial Panel shall be composed of at least ten but no more than twelve justices appointed by the Executive Branch.
 - a. Justices shall serve until the termination of their enrollment as an undergraduate student, resignation, or impeachment.

- b. It is the Executive Branch's responsibility to ensure that the Judicial Panel is fully staffed.
3. The Chief Justice of the Judicial Panel shall be selected by the justices in a manner they deem appropriate and shall serve as Chief Justice until the termination of his or her undergraduate enrollment, resignation, or impeachment.
 - a. In the event that the Chief Justice vacates his or her office, the justices shall select a new Chief Justice immediately.
4. Judicial Panel Justices shall participate in a training session sponsored by the Office of Student Life before participating in any hearings.
5. The Judicial Panel shall select at least one and no more than three Clerks.
 - a. The responsibilities of the Clerk(s) of Court include those listed in this Constitution and any others enumerated in the standing rules of the Judicial Panel.
 - b. The Judicial Panel Clerk(s) shall advise justices prior to a hearing about the details of the pending hearing.
 - c. The Judicial Panel Clerk(s) shall maintain the Judicial Panel's records in good working order.
 - d. At least one Judicial Panel Clerk must be present at each Judicial Panel hearing.
6. Any undergraduate student may file a claim with a Clerk of Court.
 - a. This claim must state the violation, the petitioner's reasoning, and the persons who committed the violation.
 - b. Claims may be brought against the Undergraduate Student Government as a whole. In such cases, the President and the Speaker of the Senate shall be respondents.
7. The Chief Justice and four Associate Justices shall hear initial claims.
8. Parties to a claim may appeal rulings on their initial claim.
 - a. Appeals must be filed with a Clerk of Court.
 - b. Appeals shall be heard by five people:
 - i. Three Associate Justices who did not hear the original claim.
 - ii. The Chief Justice, who shall not vote on the appeal.
 - iii. A representative from the Office of Student Life, who shall not vote on the appeal.
9. Justices must recuse themselves from serving on the panel in cases in which a conflict of interest arises.
10. Every claim is guaranteed a fair and speedy hearing in which the parties to the claim may appear.
11. At the beginning of every Senate term, the Chief Justice shall submit the Judicial Panel's Standing Rules to the Senate in the form of legislation.
 - a. Approval requires a simple majority of members of Senate present.
 - b. The Judicial Panel's Standing Rules must be in accordance with this Constitution and any Bylaws.
12. The Judicial Panel will render a decision on any claim or appeal within one academic week of the hearing. Decisions must include some combination of the following:
 - a. A ruling affirming one or more violations.

- b. A ruling that no violation has occurred.
 - c. A recommendation that another body hear the claim.
 - d. An order to one or more members of the Undergraduate Student Government or a candidate in an Undergraduate Student Government general election to comply with or execute existing constitutional or statutory obligations.
 - e. Disciplinary action requiring the completion of community service as a condition for continued membership in the Undergraduate Student Government.
 - f. Disciplinary action resulting in the disqualification of one or more candidates for an elections violation claim.
 - g. A ruling that results in the voiding of some action taken by the Undergraduate Student Government.
 - h. A ruling that results in the nullification of an action or piece of legislation of Undergraduate Student Government.
 - i. A ruling that results in some action not listed in this Constitution.
 - i. These rulings must be made in consultation with an ex-officio member from the Office of Student Life.
13. Decisions must consider constitutional provisions, statutory text, and past precedent.
- a. The Judicial Panel shall issue a majority opinion to be included in its written records and circulated to each party after a ruling has been made on the claim or appeal.
 - b. Hard copies of majority opinions shall contain the signature of the Chief Justice.

Article IV: Independent Officers

A. Independent Officers

- 1. Independent Officers shall impartially facilitate Undergraduate Student Government operations.
- 2. The Independent Officers of the Undergraduate Student Government are the Treasurer, the Elections Governance Board Director, and Press Secretary.
- 3. The term of office for Independent Officers shall commence on the day in which they are confirmed by the Senate and shall end on the day they are replaced, resign, or are impeached.
- 4. Responsibilities of the Independent Officers
 - a. The Treasurer shall:
 - i. Serve as the chief fiscal officer of the Undergraduate Student Government.
 - ii. Monitor the budget and advise the President and Senate on fiscal matters.
 - iii. Distribute funds to satisfy any outstanding financial obligations of the Undergraduate Student Government.
 - b. The Elections Governance Board Director shall:
 - i. Ensure that Undergraduate Student Government general elections are fair and valid.
 - ii. Nominate, in the form of legislation, an Elections Governance Board to assist the director with his or her duties.

- (1) Nominations by the Elections Governance Board Director shall be confirmed or rejected by the Senate. Confirmation shall require a two-thirds vote.
 - iii. Recommend to the Executive a budget for operation of Undergraduate Student Government general elections.
 - c. The Press Secretary shall:
 - i. Keep the student body informed about the operations of Undergraduate Student Government.
 - ii. Create and distribute press releases on behalf of the Undergraduate Student Government.
 - 5. Independent Officers shall retain the power to respond to all questions asked of them at a general Senate meeting and must appear before the Senate when called by the Speaker of the Senate.
- B. The Independent Officers Selection Commission
- 1. The Independent Officers Selection Commission is a three-member panel whose sole purpose is to nominate the Independent Officers.
 - a. Nominations by the Independent Officers Selection Commission shall be confirmed or rejected by the Senate. Confirmation shall require a two-thirds vote of members of Senate present.
 - 2. Members of the Independent Officers Selection Commission shall be appointed by the Vice President.

Article V: Membership

- A. Members of Senate may only serve in Undergraduate Student Government as members of Senate and may only participate in the Executive Cabinet in an advisory role.
- B. Any person who serves within the Executive Branch may not serve in the Senate, the Judicial Panel, or as an Independent Officer.
- C. Members of the Judicial Panel and their clerks may not be affiliated with Undergraduate Student Government in any way other than their appointed roles.
 - 1. Members of the Judicial Panel and their clerks may not be candidates in an Undergraduate Student Government general election.
 - 2. Members of the Judicial Panel and their clerks may not be considered for any other position in Undergraduate Student Government.
 - 3. Appointees to the Judicial Panel shall not have been a member of Undergraduate Student Government in the previous academic year.
- D. Independent Officers may not be affiliated with Undergraduate Student Government in any way other than their appointed roles.

Article VI: Regional Campuses

Regional campuses shall be guaranteed representation in the Undergraduate Student Government.

Article VII: Oath of Office

- A. The Oath of Office for the President, Vice President, members of Senate, and Cabinet members shall be:

I promise to faithfully uphold the Constitution of the Undergraduate Student Government of The Ohio State University and to defend the rights of each individual student to the best of my ability.

- B. The Oath of Office for Justices of the Undergraduate Student Government Judicial Panel shall be:

I promise to faithfully execute the office of Undergraduate Student Government Judicial Panel Justice and to render fair, impartial decisions based on evidence presented.

- C. The Oath of Office for Independent Officers and Clerks for the Undergraduate Student Government Judicial Panel shall be:

I promise to faithfully uphold the Constitution of the Undergraduate Student Government of The Ohio State University and execute all of my duties, outlined herein, to the best of my ability. I further promise to remain independent in the execution of said duties.

Article VIII: Amendment Procedure

- A. This Constitution may only be amended by referendum or initiative on a ballot of an Undergraduate Student Government general election except in cases listed herein. Said referenda or initiatives require approval of two-thirds of undergraduates voting in the election to pass, with exceptions granted herein.
- B. The Senate may, by two-thirds vote of all voting members, place any proposed amendment to this Constitution on an Undergraduate Student Government general election ballot.
- C. Any undergraduate may amend this Constitution.
1. To put an amendment on the Undergraduate Student Government general election ballot, an undergraduate student must collect a petition containing valid undergraduate student signatures amounting to at least 25 percent of the number of undergraduate students who voted in the previous Undergraduate Student Government general election.
 2. The proposed amendment shall become part of this Constitution if approved by two-thirds of the students voting in the election in which the amendment initiative appears.
- D. The Senate may make technical changes to this Constitution by a two-thirds vote of members of Senate present, limited to spelling, grammatical, and formatting errors.

- E. In the case of a change to University rules or regulations with which this Constitution is in conflict, the Senate may amend this Constitution to conform to said changes by a vote of three-fourths of all members of Senate.
- F. Every five years, it is mandatory to review the Undergraduate Student Government Constitution and bylaws. Review will be conducted by a Constitution and Bylaw Review Commission.
 - 1. The results of the Constitution and Bylaw Review Commission shall appear on Undergraduate Student Government general election ballots on years ending in a three or an eight.
 - 2. The Constitution and Bylaw Review Commission's membership shall include members from the Executive, Legislative, and Judicial branches and at least one student who is not a member of the Undergraduate Student Government.
 - 3. No other constitutional amendments may be on the ballot of an Undergraduate Student Government general election concurrent with those produced by the Constitution and Bylaw Review Commission.
 - 4. The referenda resulting from a Constitution and Bylaw Review Commission shall require only a majority vote in the Undergraduate Student Government general election to pass.
- G. Should any ballot initiatives or referenda be in conflict with one another and both pass during the Undergraduate Student Government general election, the Senate shall vote to adopt one by a majority vote of all members of Senate.

Article IX: Succession of Office

- A. Succession for the Office of President shall be in the following order:
 - 1. Vice President,
 - 2. Speaker of the Senate,
 - 3. Any undergraduate student chosen by a two-thirds vote of the Senate.
- B. If the Office of Vice President is vacant, the President shall nominate a new Vice President to be confirmed or rejected by the Senate.
 - 1. Confirmation requires a two-thirds vote of members of Senate present.

Article X: Records

- A. Each branch of the Undergraduate Student Government and its Independent Officers must keep complete, permanent, and written records.
- B. Records of the Undergraduate Student Government shall be kept together in a single location.

Article XI: Nondiscrimination Policy

- A. The Undergraduate Student Government and its members shall not discriminate against any individual(s) for reasons of age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status.