

Updated: December 4, 2006

# Constitution of the University of Miami Student Government

We the students of the University of Miami, in order to provide a forum for the expression of student views and interests; Foster greater educational standards, facilities and teaching methods; Maintain academic freedom, academic responsibility and student rights; Engender multicultural and multinational understanding and fellowship at the student level; Actualize the rights and responsibilities of students to the University, the community, and humanity; Enlighten and further student cultural, social, and physical welfare; Do ordain and establish this Constitution for the Student Government of the University of Miami.

## Article I: General Provisions

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### Section 1. Name

The name of this organization shall be Student Government.

### Section 2. Jurisdiction

All registered full-time undergraduate students at the University of Miami shall be subject to its Constitution and Statutes.

### Section 3. Franchise and Office

All currently registered undergraduate students who have paid the Student Activity Fee shall be entitled to vote in the Student Government elections.

### Section 4. Organization

Student Government shall be composed of Legislative, Executive and Judicial Branches, The Spirit Programming Board (also referred to as Category 5) and independent agencies as specified in its Constitution and Statutes.

### Section 5. Authority

Student Government is an (the) official representative and the legislative agent of the undergraduate student body. It is authorized, as specified in the following Articles of the Constitution, to propose legislation and recommend policies for the benefit of the University in matters of student finance and activity fees; to represent the undergraduate student body in specified areas including curriculum, scholastic standards and general academic areas; to act as a governing agent in those matters delegated to it by the President of the University or by the University Board of Trustees through the President of the University.

### Section 6. Supremacy and Equal Protection

No action by Student Government shall deny to any student the equal protection of the provisions of this Constitution or its Statutes, or the equality of the student's to vote. This Constitution shall be subject to the provisions of other University Policies, as interpreted by the President of the University or his or her

designee. With the exception of a written interpretation by the President of the University or the President of the University's designee, this Constitution shall be supreme in all matters relating to the internal operation of Student Government.

## **Article III: The Legislative Branch**

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### **Section 1. Senate**

The supreme legislative power of Student Government shall be vested in a Senate and its officers.

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

The Senate shall be composed of Senators representing the following constituencies:

#### **2-1. Academic Constituencies**

Academic constituencies shall consist of the following undergraduate academic schools of the University:

1. College of Arts and Sciences
2. School of Business Administration
3. School of Education
4. College of Engineering
5. School of Architecture
6. Frost School of Music
7. School of Nursing and Health Studies
8. School of Communication

#### **2-2. Residential Constituencies**

The apportionment of residential seats shall be consistent with the current proportion of students living in Campus Districts and off campus. In no case shall the district with the majority of seats in Senate enjoy a greater proportion of seats than is reflected by student population figures.

Residential constituencies shall consist of the following areas of residency:

1. Stanford Residential College
2. Hecht Residential College
3. Eaton Residential College
4. Pearson Residential College
5. Mahoney Residential College
6. Apartment Residence Area
7. Fraternity Row Residence Area
8. Commuter Area
9. University Village

#### **2-3. Organizational Constituencies**

Any undergraduate student organization that is a duly registered University student organization, receives

funding from a mandatory fee source in the University not related to residency (student activity fees, dues or other mandatory fee required of the constituency) and demonstrates substantive need shall be entitled to full voting representation on behalf of its constituency in the Senate, provided said organization shall follow the procedure set forth within the Statutes, and shall be included within the Statutes by a two-thirds (2/3) vote of the Senate.

### **2-3.1. Organizational Senators**

Each organization receiving Senate representation as listed in these Statutes shall be entitled to no more than one (1) seat in the Senate. Each organization shall elect or appoint its representative for an annual term in the Senate. Any person so selected shall meet the academic and other requirements of an elected Senator and shall enjoy all privileges and responsibilities as an elected Senator.

### **2-4. Class Constituencies**

There shall be eight (8) Senators elected at large from the student body in the fall, two (2) Senators elected by each undergraduate class.

### **2-5. Liaisons to the Senate**

The Senate shall include Liaisons as follows:

#### **2-5.1. Faculty Senate Liaison**

The Faculty Senate shall be invited to appoint one (1) liaison immediately following the annual spring semester elections, to serve on the Senate for a period of one (1) calendar year. Except for voting in the Senate and in committee and acting as a committee chair, the faculty liaison shall have all privileges of the Senate, including committee membership.

#### **2-5.2. Liaison from University AO3-AO5 Employees**

The University Vice President for Financial Affairs shall be invited to appoint one (1) employee liaison immediately following the annual spring semester elections, to serve on the Senate for a period of one (1) calendar year. Except for voting in the Senate and in committee and acting as a committee chair, the employee liaison shall have all privileges of the Senate, including committee membership.

#### **2-5.3. Liaison from the Graduate Student Association**

The President of the Graduate Student Association shall be invited to appoint one (1) liaison immediately following the annual spring semester elections for a period of one (1) calendar year. Except for voting in the Senate and in committee and acting as a committee chair, the graduate liaison shall have all privileges of the Senate, including committee membership.

#### **2-5.4. Liaison from the Student Bar Association**

The President of the Student Bar Association shall be invited to appoint one (1) liaison immediately following the annual spring semester elections for a period of one (1) calendar year. Except for voting in the Senate and in committee and acting as a committee chair, the law student liaison shall have all privileges of the Senate, including committee membership.

### **2-6. Advisor to Student Government**

There shall be an Advisor to Student Government appointed by the University Vice President for Student Affairs, to be appointed at the conclusion of the annual spring semester elections. The advisor will have

speaking privileges at Senate meetings, to express advisory opinions, and may attend meetings of any part of Student Government.

### **2-7. Removals from Office**

Any Senator removed by Student Government or by the executive board of an organizational constituency shall not be allowed to run for or be reappointed to any seat on the Senate within one (1) year of said removal.

### **2-8. Senate Reapportionment**

The Senate shall be reapportioned as necessary and no later than every three (3) years. Any student whose office is affected by the reapportionment may complete the normal term.

## **Section 3. Officers of the Senate**

All officers of the Senate must meet the qualifications stated in Article V, Sections 4 and 5 of this Constitution.

### **3-1. Speaker**

The Senate shall be chaired by a Speaker, selected by the Senate, from the undergraduate student body at-large for an annual term.

#### **3-1.1. Rights of Speaker**

The Speaker of the Senate shall:

1. Have all the rights of the floor
2. Have no vote except in those cases provided for in the latest edition of Robert's Rules of Order, Newly Revised and in times when the Senate sits as the High Court of Impeachment
3. Have final authority in the Senate on procedure
4. Preside at all meetings
5. Appoint standing or ad hoc committees of the Senate as the student or the Senate may deem necessary for the functioning of the Senate
6. Designate appointments to fill vacancies in the Senate as provided for in the Statutes
7. Require reports from the committees and commissions that the student may also deem necessary for the functioning of the Senate
8. Have the Right to request reports from all other branches and agencies of Student Government
9. Be the administrative head of the Senate and its appointed personnel.
10. Notify Senators of meetings

#### **3-1.2. Speaker Election**

The Senate shall elect by written ballot a Speaker, following the annual spring election at the first meeting of the new Senate. The Speaker shall be elected with a majority, fifty percent plus one, of the Senate seats filled at said time of elections. A quorum shall be required to elect a Speaker.

### **3-2. Speaker Pro Tempore**

There shall be a Speaker Pro Tempore who shall serve for an annual term.

### **3-2.1. Rights of Speaker Pro Tempore**

The Speaker Pro Tempore shall:

1. Preside in the Speaker's absence
2. Maintain rights as a Senator.

### **3-2.2. Speaker Pro Tempore Election**

At a meeting of the new Senate, following the annual spring election and no later than the end of the spring semester, the Senate shall elect by written ballot a Speaker Pro Tempore. The Speaker Pro Tempore shall be elected by a plurality (candidate with the most votes) of the Senate seats filled at said time of elections. A quorum shall be required to elect a Speaker Pro Tempore.

### **3-3. Parliamentarian**

There shall be a Parliamentarian.

#### **3-3.1. Duties of the Parliamentarian**

The Parliamentarian shall:

1. Act as an advisory to the Senate in regards to issue on the legality of Senate actions and procedure; and on Constitutional interpretations.
2. Have such other duties as delegated by the Speaker.

#### **3-3.2. Appointment of Parliamentarian**

The Parliamentarian shall be appointed by the Speaker of the Senate.

### **3-4. Secretary of the Senate**

There shall be a Secretary of the Senate.

#### **3-4.1. Duties of the Secretary of the Senate**

The Secretary of the Senate shall:

1. Maintain current records for the use of the Senate and the Senate Journal. Including but not limited to minutes, attendance rolls, and records of the Executive, Legislative and Judicial branches and of independent agencies, and other materials as defined.
2. Certify Senate minutes with the Speaker and Parliamentarian
3. Perform such additional duties, as the Speaker, or the Senate, shall request.

#### **3-4.2. Appointment of the Secretary of the Senate**

The Speaker shall appoint the Secretary of the Senate.

### **3-5. Other Officers**

The Speaker of the Senate with the approval or at the request of the Speaker Pro Tempore, may provide for such other offices as the Speaker may deem necessary. Appointment to said offices shall be at their discretion.

#### **Section 4. Powers of the Senate**

The Student Senate shall have power, within the framework of other University policy, to:

1. Propose referenda including those involving the Student Activity Fee, verify results on the same, and formally communicate recommendations on the same to the University Vice President for Student Affairs.
2. Appropriate funds to and/or review expenditures of all agencies of Student Government.
3. Provide a formal means of communication between the Constituency and their respective senator (i.e. e-mail)
4. Advise, consent to and confirm appointments, by a majority vote or greater if needed, to the offices or positions of:
  - a) Senator
  - b) Supreme Court Justice
  - c) Election Commissioner(s)
  - d) Spirit Programming Board Chairperson (Category 5 Chairperson)
  - e) The student member of the Selections and Appeals Committee within Student Government
5. All other appointments of the Executive branch shall be submitted to the Speaker Pro Tempore at the weekly Senate meeting. The Speaker Pro Tempore will then publicly place them in the Student Government office. If no member of the Council of Chair people objects to the appointment at their next regularly scheduled meeting, then the appointee shall be sworn in without ratification. If any chairperson objects or if five (5) Senators submit a petition before the next regularly scheduled meeting of the Council of Chair people, then the appointee shall go through the entire ratification process as directed by the Statutes.
6. Override a veto of the Student Government President by a two-thirds (2/3) majority of the Senators present and voting.
7. Establish procedures for the execution of its business.
8. Establish procedures and regulations governing Student Government elections.
9. Solely try all proceedings on Articles of Impeachment adopted upon inquiry by the select commission on impeachment. Such procedures, regulations, forms and powers (including subpoena, which is limited to candidates for and officeholders of Student Government) shall be as provided in Article VII of this Constitution, or as provided by the Statute; such Statutory procedures, once enacted by the Senate, shall require a two-thirds (2/3) majority of the Senate present and voting in order to modify such procedures.
10. Require reports from all executive agencies and officeholders.
11. Provide for the functioning of Student Government during the summer semesters each academic year.
12. Establish any independent committee, commission, agency, board, or organization it may deem necessary for the functioning of Student Government.
13. Expel any Senator from office who accumulates three (3) unexcused absences or five (5) total absences per semester from Senate and committee meetings.
14. Regulate eligibility requirements for any form of financial remuneration to any officeholder in Student Government, in addition to a requirement of demonstrated financial need during the fall and spring semesters.
15. Take authorized actions necessary and proper to make recommendations to promote the general welfare of the undergraduate student body concerning any facet of undergraduate student life at the University.

## **Section 5. Meetings**

The Senate shall hold weekly meetings at a designated time and place during the fall and spring terms and once set for a given academic year, may not be changed for any reason without concurrence of three-fourths (3/4) of those Senators present and voting. The Speaker, or in the speaker's absence, the President at the Speaker Pro Tempore's consent, shall, on the petition of five (5) Senators, call a special meeting the agenda of which shall be distributed when the meeting is called. A regular meeting of the Senate may be omitted by a vote of two-thirds (2/3) of the Senate present and voting. Senators shall be required to have available the time allotted to weekly Senate meetings to remain in office.

## **Section 6. Senate Procedures**

The Senate shall keep a journal of its proceedings and records. All records of Student Government shall be on public records and available on request at the mutual convenience of the Senate and the party requesting access.

### **6-1. Quorum**

A majority of the occupied Senate seats shall constitute a quorum to do business, but a smaller number may meet on the normal meeting day and time and may compel the attendance of absent members in such a manner and under such penalties as the Senate shall provide, including expulsion.

#### **6-1.1. Committee of the Whole**

The Senate, in the absence of a quorum in formal meeting, may meet as a committee of the whole. In such cases, each action taken shall be a nonbinding recommendation and must be ratified by the proportion of the vote required by the nature of the legislation at the next Senate meeting when a quorum is present. The Speaker shall be the sole determiner of the agenda when, on any occasion, a quorum is not present. A Committee of the Whole may compel the attendance of absent members in such a manner and under such penalties, as the Senate shall provide, including expulsion.

### **6-2. Rights of the Floor**

The rights of the floor at Senate meetings shall be limited to:

1. Officers of the Senate
2. Senators
3. Senate liaisons
4. The Advisor to Student Government
5. The President
6. Vice-President
7. Treasurer

No other person shall have speaking privileges at the Senate unless invited by Senate to give a presentation or to participate in a discussion on a given matter and shall then require a two-thirds (2/3) majority vote of the Senators present and voting.

### **6-5. Rules of Order**

Unless a defined rule in the Constitution, Rules of Order, or Standing Rules of Student Government states otherwise, the Senate shall be governed by Robert's Rules of Order, Newly Revised.

### **Section 7. Special Qualifications for Senators to Retain Office**

Any Senator who represents an academic class, organization, academic or residential constituency, as defined in Section 2-1, 2-2, 2-3, and 2-4 of this Article, must reside in or be a member of the constituency which the senator represents throughout term in office. Otherwise the student shall be automatically removed from said office.

## **Article III: The Executive Branch**

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### **Section 1. Executive Officers and Executive Committee**

The supreme executive powers of the undergraduate student body as an entity shall be vested in three (3) Chief Executive Officers:

1. The President
2. The Vice President
3. The Treasurer,

and in assistant executive officers, who, with the Chief Executive Officers, shall comprise the Executive Committee. The term Executive Officers shall refer to the President, Vice President and Treasurer, jointly, whenever it is used.

### **Section 2. Election, Qualifications and Removal of Executive Officers**

The three (3) Executive Officers shall be elected from the undergraduate student body at-large at the annual spring semester elections. Each shall meet and maintain qualifications stated in Article V, Sections 4 and 5. No Executive Officer may be removed from office except by impeachment and conviction, recall or disqualification.

### **Section 3. Powers of the President of Student Government**

The President of Student Government shall have the power to:

1. Make recommendations to the Senate and transmit reports from executive agencies and officeholders to the Senate.
2. Issue orders to and require reports from officeholders and agencies in the Executive branch.
3. Enforce and administer the provisions of this Constitution and actions enacted thereto.
4. Recommend approval of expenditure requests for forwarding to the appropriate account signatory and sign forms for expenditure on University accounts 477507,483778, 477168 and 77049. Failure to approve or sign shall constitute a veto of expenditure, and the President of Student Government shall transmit to the Senate such an expenditure item with the reasons for veto within five (5) days of the initial expenditure request.
5. Call and preside at meetings of the undergraduate student body.
6. Veto actions of legislative nature under the jurisdiction of the executive and legislative branches, enactments or amendments of the Student Government Statues, or resolutions of the Senate, provided the veto is exercised within ten (10) days after the action is approved by the Senate and is delivered to the Office of the President of Student Government, or to approve such actions making them effective. Failure by the President of Student Government to veto or approve the legislation within those ten (10) days shall constitute approval and such actions shall become effective. If an action is vetoed, the



President shall transmit to the Senate such action with the President's signature and a recorded reason for the veto.

7. Establish by Executive Order such subsidiary bodies and positions deemed necessary and proper by the President in the performance of his or her duties, giving the purpose, composition, qualifications for service and authority of the same, appointment to which shall not require Senate action. The President of Student Government may establish similarly such positions and bodies in the Executive departments as requested by the appropriate officers of the Executive Branch. The Senate may enact such regulations on such positions and bodies by actions internal to Student Government as it may deem proper.
8. Attend all Senate meetings as a guest, or have his designee, consented to by the Senate, attend as a guest.
9. Serve as an ex-officio member of all Executive branch committees.
10. Represent the University of Miami undergraduate student body as an entity in all matters dealing with the faculty, administrative officers or the Board of Trustees of the University, with individuals or groups from other universities; and may delegate the authority of President of Student Government in whole or in part to designated representatives, who shall be subject to the advice, consent and confirmation of the Senate. Such representation, however, excludes any financial, legal, contractual or other similar agreements which would be binding.
11. Present to the Senate, at least once a semester, a state of the University address.
12. Hold all other such powers as appropriate to execute and administer the provisions of this Constitution, as may be specified elsewhere in this document, and all actions pursuant thereto.

#### **Section 4. Powers of the Vice President of Student Government**

The Vice President of Student Government shall:

1. Act as President of Student Government in the case of the absence or incapacitation of the same, exercising all duties of the Office of the President of Student Government; serve as the designated representative of the President of Student Government when requested by the President of Student Government; and perform such duties for the President of Student Government as are mutually determined.
2. Act as the administrative coordinator of the Office of the Vice President and may directly make such recommendations to the Senate on matters related to the Office of the Vice President.

#### **Section 5. Powers of the Treasurer of Student Government**

The Treasurer of Student Government shall:

1. Review and audit expenditures on all University accounts related to Student Government and may further initiate expenditure requests on University accounts 477507, 483778 and 77049.
2. Report periodically, but at least every four (4) weeks, to the President of Student Government, the Executive Committee, Senate, and Spirit Programming Board (Category 5) on fiscal matters and on all transactions in every University account related to Student Government.
3. Sign fiscal reports and requisitions.
4. Attend every meeting or send a delegate of the Senate in a resource capacity to provide fiscal and financial advice or information on every University account related to Student Government as needed by the Senate.
5. Advise the Senate or its designated subsidiary committee on the preparation of the annual budget.

6. Perform such other duties charged to him or her as the President or Speaker of the Senate shall request.

### **Section 6. Executive Committee**

The Executive Committee shall be composed of the President as Chairperson, the Vice President, the Treasurer and the assistant Executive Officers. It shall meet and carry out actions in formal meeting or by informal consultation, or assist in doing so, such matters delegated by Executive authority. It shall meet no less than once every two (2) weeks.

#### **6-1. Executive Committee Minutes**

Minutes shall be kept of all meetings and copies generally transmitted to all persons holding office as defined in Article V, Section V.

#### **6-2. Advice of Executive Committee**

The Executive Committee or its members may advise the President of Student Government at the President's request on any matter or duty under his authority. The Executive Committee may advise any individual officer of the Committee on matters under their authority as requested. Each assistant Executive Officer, the Vice President of Student Government or the Treasurer of Student Government may recommend to the President of Student Government such positions required to perform the duties assigned to him or her as provided in Section 4 or 5 of this Article.

### **Section 7. Student Government Actions Requiring External Response**

The President of Student Government shall transmit or veto within ten (10) days all legislative or executive actions determined to be under the purview of a University Agency external to Student Government to the University Vice President for Student Affairs for appropriate referral or action. Should the President of Student Government fail to do so, the Speaker may then transmit legislative actions to the University Vice President for Student Affairs.

#### **7-1. Actions Within the Authority of the Office of the Vice President for Student Affairs**

Within thirty (30) days of the Vice President for Student Affairs' actual receipt of legislation of Student Government determined to be within said position's authority, the University Vice President for Student Affairs shall render a decision as to the implementation of the action to the President of Student Government and the Speaker of the Senate, unless the Vice President for Student Affairs informs them in writing within such time that an extension of time is needed, the reasons for the same and an estimated date of response.

#### **7-2. Referrals of Action outside the Authority of the Office of the University Vice President for Student Affairs**

Within ten (10) working days of the actual receipt of Student Government action by the University Vice President for Student Affairs, the implementation of which falling totally or partially outside said position's authority, the University Vice President for Student Affairs shall refer the action the appropriate office or agency which shall be responsible for responding to Student Government on the action. The determination of the responding offices or agencies shall be made at the earliest possible time following the receipt of the Student Government action, The University Vice President for Student Affairs shall render a decision as to the implementation of the action to the President of Student Government and Speaker of the Senate within thirty (30) days, unless the offices or agencies inform them in writing within such time that an extension of time is needed, the reasons for the same and an estimated date of response.

# Article IV: The Judicial Branch

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## Section 1. The Supreme Court

All judicial powers vested in this Constitution shall be vested in the Supreme Court.

## Section 2. Composition

The Supreme Court shall consist of:

1. Chief Justice
2. Associate Chief Justice
3. Seven (7) Associate Justices
4. Clerk of the Court

### 2-1.1. Appointment of Justices

An associate justice shall be nominated by the Chief Justice and the President of Student Government and given advice, consent and confirmation by a two-thirds (2/3) majority vote of the Senate.

### 2-1.2. Appointment of Chief Justice

The President of Student Government shall appoint the Chief Justice.

### 2-1.3. Appointment of Associate Chief Justice

The appointment of the Associate Chief Justice shall be at the discretion of the Chief Justice.

### 2-1.4. Appointment of Clerk of the Court

The appointment of the Clerk of the Court shall be at the sole discretion of the Chief Justice.

## 2-2. Term of office

A Justice shall retain office unless the student is impeached and removed, resigns, leaves the undergraduate schools of the University or fails to meet the qualifications set forth in Section 3 of this Article.

## Section 3. Qualifications

Each Justice of the Supreme Court shall be a full-time undergraduate student maintaining a minimum 2.3 cumulative grade point average at the time of nomination to the Court. The student shall maintain the required qualifications as specified in Article V, Section 4, throughout the tenure in office, or be automatically removed from office. In addition, the Chief Justice shall have and maintain a 2.7 cumulative grade-point average throughout the tenure.

## Section 4. Conflict of Interest

If due to position or affiliation, a Justice cannot render a fair and impartial decision, the Justice shall abstain from any judicial participation on such matter being heard. A Justice shall resign from office prior to filing a declaration of candidacy for any elected office or prior to nomination to any appointed office under this Constitution.

## Section 5. Jurisdiction

The Supreme Court shall have judicial responsibility and authority subject to the provisions of other

University policies as interpreted by the President of the University or the President's designee. The Court shall render judicial decisions enforcing and interpreting the provisions of this Constitution, and determining those cases and controversies relating to enforcement and interpretation of this Constitution which are referred to it by any member of Student Government, except as to those cases and controversies arising related to impeachment proceedings, which shall remain under the sole jurisdiction of the Senate. The decisions of this Court shall be binding upon candidates for and officeholders of Student Government. The Supreme Court may, at its discretion, issue advisory opinions upon request which involve interpretation of this Constitution and its Statutes. Further, for good cause, the Supreme Court shall have the authority to issue such subpoenas or writs to candidates for and officeholders of Student Government. Individual Justices of the Supreme Court shall not have the authority of the entire Supreme Court except as provided in the Statutes. Jurisdiction shall also be extended to grant judicial authority over Elections Commission violation hearings to the Trial Court standing committee of the Supreme Court, whose competition shall be determined by Statute, and to grant appellate authority over Trial Court decisions to the Supreme Court.

#### **5-2. Enforcement of Subpoenas**

The enforcement of subpoenas issued under this Article, Article VII, or the Statutes shall be referred for appropriate disciplinary action through the office of the Dean of Students, under the controlling disciplinary authority.

#### **Section 6. Quorum**

A set quorum of the Supreme Court shall be required to transact any Court business other than the Trial Court. Quorum for all such business shall consist of a minimum of five (5) Justices, including the Chief Justice. Quorum for Trial Court business shall consist of three (3) members of the Trial Court. In the absence of or when there is a vacancy in the position of Chief Justice, the Associate Chief Justice shall serve as acting Chief Justice.

#### **Section 7. Rules of Procedure**

The Supreme Court is authorized to make and amend rules of procedure for the Court, provided such rules shall not conflict with any provisions of this Constitution and of the Statutes enacted pursuant thereto. Said rules shall govern the filing, processing, acceptances for, hearing calendaring, deliberation and decisions of cases and controversies brought before the Supreme Court, for notice of the same, for regular and special meetings of the Court, and for the administration of the Judicial branch. Such rules shall require the concurrence of six (6) Justices for adoption, shall be entered into a Court Journal and transmitted to the Senate five (5) days following adoption. The Court may recommend amendments to the Statutes which effect or govern Court procedures.

#### **Section 8. Attendance**

All Supreme Court Justices shall attend all meetings of the Court. Any Justice who accumulates four (4) total absences or two (2) unexcused absences within the period of a semester shall be disqualified and removed automatically from office.

#### **Section 9. Records of Decisions**

The Supreme Court shall keep written copies of all decisions rendered. The Court shall transmit written copies of all decisions rendered, action taken or ordered, and writs issued to the Secretary of the Senate for transmittal as provided in the Statutes and to the Office of the University Vice President for Student Affairs.

## **Section 10. Judicial Administration**

The Supreme Court is authorized to establish such positions, giving their function, qualification and duties, as it determines to be appropriate for the operations of the Judicial branch of Student Government.

# **Article V: Elections, Qualifications for Office and Vacancies**

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## **Section 1. Proportion of Votes Required to Elect**

Executive Officers shall be elected by a majority vote. In all other elections a plurality shall prevail.

### **1-1. Runoff Elections**

When an Executive Office has no candidate obtaining a majority, the two highest-placed candidates shall enter into a runoff. Further, if the second-highest candidate position is tied, the candidates shall enter into a separate runoff to determine which shall be declared the second-highest candidate. If there is a tie for highest-placed candidate position, only those candidates so tied shall enter into a runoff election. Should any runoff election result in a tie, the Senate shall, on a roll call vote, break the tie.

## **Section 2. Election Dates**

Election for all offices filled by vote of the undergraduate student body shall take place in the designated semester at least four (4) weeks prior to the beginning of that semester's final examination period. The Senate shall enact specific dates at least four (4) weeks prior to the dates for a given election.

### **2-1. Runoff Election Dates**

In the case of a tie vote on the initial ballot, or in the case of an Executive Office when no candidate has obtained a majority, a runoff election shall be conducted within seven (7) days of the initial ballot.

## **Section 3. Elections Commission**

The Senate shall create an independent Elections Commission with its composition and authority determined by the Statutes.

### **3-1. Jurisdiction**

Jurisdiction shall include all elections conducted under this Constitution.

### **3-2. Appointment**

The Elections Commission shall be appointed by the President of Student Government and shall be dependent upon advice, consent and confirmation by a two-thirds (2/3) majority of the Senate.

### **3-3. Term of office**

The Elections Commissioners and shall serve an annual term. Members of the Elections Commission shall not be removed from office except by disqualification or by conviction on Articles of Impeachment.

### **3-4. Election Codes**

The Senate shall enact as part of the Statutes a permanent election code for the annual fall and spring elections. The Elections Commission shall possess original jurisdiction arising from election disputes.

## **Section 4. Qualifications**

In order to file for Senate candidacy, students must have available the time allotted for weekly Senate

meetings. Each candidate, except those who have no cumulative grade-point average recognized by the University Registrar, shall have at the time specified in Section 4- 2 of this Article a minimum 2.3 cumulative grade-point average as determined by the University Registrar and shall be enrolled at the University of Miami as a full-time student. In addition, candidates for President, Vice President and Treasurer of Student Government and Officers of the Senate shall have a 2.7 cumulative grade-point average. Each first-semester new student shall be enrolled as a full-time undergraduate student at the time of candidacy. Failure to meet these requirements shall result in automatic disqualification. Graduating seniors completing their annual tenure in their final semester may remain in office during the semester while taking only the credits necessary to complete graduation requirements, which shall be considered full-time status for the purpose of Article I, Section 3, but in no event shall this amount be less than six (6) credits.

#### **4-1. Establishing Credentials**

In all cases, only those credentials and academic records as of the date on which the Senate enacts specific dates for a given election.

#### **4-2. Verification Authorized**

By the process of formally declaring candidacy, each candidate authorizes the Elections Commission or its duly authorized representatives to inspect the academic records and credentials of said candidate. Each officeholder of Student Government by the student's installation in office authorizes public disclosure of such records as to verify the officeholder's continued qualification to hold office. Verification may be requested by the officers of the Executive and Legislative branches, or by the Chief Justice of the Supreme Court.

### **Section 5. Limited Service**

No person other than the Spirit Programming Board Chairperson (Category 5 Chairperson) shall concurrently hold any two (2) offices, elected or appointed, of Student Government. For the purposed of this Section, and elsewhere in reference to this Section, only the following shall be considered offices under this Constitution: the Supreme Court, the Executive Officers and Executive Committee, Executive Cabinet, Elections Commission, Senators and Officers of the Senate. All other positions shall in no manner be construed as being an office under this Section as applied, including any other independent agency or committee or the other positions in the Executive, Legislative or administrative positions of the Judicial branch.

### **Section 6. Term of Office**

All persons elected or appointed to an office in Student Government shall be sworn or affirmed into office no later than ten (10) days following their election except in the case of Executive Officers in the spring election who shall be sworn or affirmed into office as soon as is reasonably possible.

### **Section 7. Oath of Office**

All officers of the Executive, Legislative and Judicial branches, including all Senators and Justices shall be administered the oath of office. The oath may be administered by the Speaker, the acting Senate Chair, Chief Justice or an Associate Justice. The oath to be administered shall be: "I, (name of individual), do solemnly swear (or affirm) that I shall preserve, protect and defend the Constitution of the University of Miami Student Government and that I shall execute the duties of my office to the best of my abilities."

## **Section 8. Vacancies**

In the case of a vacancy in the Office of President of Student Government, the Vice President of Student Government shall become President of Student Government, to serve until a successor is regularly elected at the next spring election. In the case of a simultaneous vacancy both in the Office of President of Student Government and Vice President of Student Government, the Speaker of the Senate shall become President of Student Government. In the case of a vacancy in the Office of Vice President of Student Government, the President of Student Government shall nominate a new Vice President with the consent of a two-thirds (2/3) majority of the Senate. This Vice President of Student Government shall serve until a successor is regularly elected at the next annual spring election. In the case of a vacancy in the Office of Treasurer of Student Government, the President of Student Government shall nominate a new Treasurer with the consent of a two-thirds (2/3) majority vote of the Senate. This Treasurer of Student Government shall serve until a successor is regularly elected at the next annual spring election. In the case of a vacancy in the Office of Speaker of the Senate, the Speaker Pro Tempore shall become Speaker, to serve until a successor is regularly elected at the next spring election. In the case of a vacancy in the Office of Speaker Pro Tempore of the Senate, the Senate shall elect a new Speaker Pro Tempore. In the case of a vacancy in the office held by a Senator, the Senate shall provide by Statute for a procedure to fill such a vacancy. In the case of a vacancy in any other office or position, such vacancy shall be filled in the same manner used to fill such vacancy originally, for the remainder of such term. A vacancy in any other elected office shall be filled as the Senate shall provide by Statute.

## **Article VI: Direct Powers of the Undergraduate Student Body**

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### **Section 1. Referendum Initiation**

The undergraduate student body may legislate or approve actions within the authority of the Senate not restricted by Section 1-4 of this Article by a referendum initiated by a petition signed by at least five hundred (500) enfranchised undergraduate students with their school, class and identification numbers filed with the Speaker of the Senate, or by Senate referral as specified in Section 1-4 of this Article.

#### **1-2. Referendum Petition**

The petition shall either state the exact wording of the legislation desired (as an initiative referendum petition) or state the exact wording of the Senate action or portion thereof under challenge (as a challenge referendum petition). The petition, once filed, shall be verified by the Elections Commission within ten (10) days of its receipt per petition received.

#### **1-3. Initiative Referendum**

If a sufficient number of signatures are verified on an initiative petition, the Speaker of the Senate shall notify the Senate of the same, and the Senate shall either enact the desired legislation or call a referendum at which the Senate may submit alternate legislation as separate questions on the ballot.

#### **1-4. Challenge Referendum**

If a sufficient number of signatures are verified on a challenge petition, the Speaker of the Senate shall notify the Senate of the same, and the Senate shall either repeal the legislation or portion thereof under challenge or call a referendum at which the Senate may submit amended legislation as separate questions on the ballot.

### **1-5. Referral Referendum**

The Senate may refer actions under its authority not restricted by Section 1-6 of this Article to a referendum by a majority vote of the Senate present and voting.

#### **1-5.2. Referendum Election**

In all cases when a referendum is called, it shall be held no later than the date of the next regular election. If a majority of those voting thereon approve the question, the Elections Commission shall declare the questions adopted in its declaration of the election results. The question in each case shall be on the approval of the legislation. Approved actions internal to Student Government shall be binding on Student Government for a period of one (1) year following adoption, during which time no action may be enacted by the Senate contrary thereto.

### **1-6. Restrictions on Referenda**

No referendum question shall extend to Constitutional amendment or revisions except as provided by Article VIII, Section 2-1.4, to any appropriation that would normally be expended by the date of the referendum, to elections in the Senate authorized by this Constitution, to actions that advise, consent and confirm appointments or nominations for appointments or to the power of the Senate to impeach or to convict under Articles of Impeachment.

## **Section 2. Recall Election**

Recall and removal of any Executive Officers, the Speaker of the Senate or any Senator may be initiated by a recall petition, signed by at least five hundred (500) enfranchised undergraduate students, with their class, school and identification numbers filed with the Elections Commission and verified under their direction within ten (10) class days of receipt per recall petition received.

### **2-2. Senate Action**

If a sufficient number of signatures is verified, the Senate shall call a recall election within sixty (60) days of the receipt of the recall petition, but no later than a regular election which is within the sixty (60) day period.

### **2-3. Eligible Voters and Limited Disqualification**

In the case of a recall election on a Senator, only those persons qualified to vote in elections for that Senate position may vote in the recall election. No person, once recalled and removed from office, shall be eligible to hold any office or position in Student Government for one (1) calendar year following the date of removal from office.

### **2-4. Recall Election Question**

The question on the ballot shall state the reason for recall, if any, as petitioned and ask: "Shall (name of individual), (title), be recalled and removed from said office for (list of reasons)?"

## **Section 3. Conflict in Adopted Matter**

In the event that, at a given single election, there are adopted conflicting questions, the conflict shall be resolved in favor of those provisions of the proposition receiving the highest number of affirmatively adopting votes.

## **Section 4. Effective Date of Approval Referenda**

All questions on matters internal to Student Government submitted by any of the above methods in Section 1



or 2 of this Article and adopted shall be effective at 12:01 a.m. on the first day following the declaration by the Elections Commission of their adoption.

#### **4-2. Referenda Requiring External Response**

All questions requiring external response, as determined by the Speaker of the Senate, shall be transmitted pursuant to Article III, Section 7, for appropriate action with any appropriate recommendations of the Senate by the President of Student Government within ten (10) days of the referendum election.

### **Section 5. Initiative Legislation**

Any enfranchised undergraduate student may require the Senate to hear, discuss and determine any legislation within the authority of the Senate, except as restricted by Section 1-6 of this Article, through sponsorship of the proposed legislation by one (1) or more Senators or the Speaker of the Senate, or through petition signed by at least twenty-five (25) enfranchised undergraduate students, with their school, class and identification numbers, filed with the Speaker of the Senate and verified at the speaker's discretion within two (2) class days per petition received. If a sufficient number of signatures is verified, the legislation shall be classified as submitted legislation and submitted by the Speaker of the Senate for its action on the agenda. This section shall not prevent the petitioners from invoking the other provisions of this Article.

#### **5-2. Co-Sponsorship**

Any undergraduate student may propose legislation to the Senate requesting co-sponsorship, so long as the student is representing an undergraduate registered student organization, that is registered with the Committee on Student Organizations (COSO), and the event resides within the boundaries of the campus, is free of charge, and is open to all undergraduate students. The author(s) of the legislation must retain approval of the subsidiary committee as defined in the statutes before requesting to be placed on the agenda, and must present a complete budget in writing to the committee. Passed legislation shall include Student Government as a co-sponsor of the event.

## **Article VIII: Impeachment**

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### **Section 1. Impeachment Proceedings**

All persons holding an office or position in the Student Government by virtue of this Constitution or other actions enacted in pursuance thereof, shall be removed from same and forever disqualified thereafter from holding any office or position upon conviction of Articles of Impeachment by a two-thirds (2/3) majority of the Senators voting in concurrence thereto in trial, with the Senate sitting as High Court of Impeachment. Said judgment or conviction shall not extend further than removal and disqualification, but the respondent so charged shall nevertheless be liable and subject to legal proceedings or University disciplinary action. A resignation by a respondent shall not terminate impeachment proceedings in the inquiry or trial stage.

#### **1-2. Grounds for Charges in Articles**

Articles of Impeachment shall be presented to the Senate upon adoption by the Select Commission; the Articles shall charge such action or conduct which is detrimental in nature to the office of position held or to the Student Government including, but not limited to, bribery; misappropriation of funds or property; negligence of duty; abuse of authority; malfeasance, misfeasance or nonfeasance of office or position; conduct or actions unbecoming of such person holding such office or position in Student Government.

## **Section 2. Initiation of Proceedings**

Impeachment proceedings may be initiated on the written request of two (2) Senators; five (5) undergraduate students who are non-Senators; or such assistant executive officers authorized by Statute; to the Speaker of the Senate, or the Speaker Pro Tempore, whenever the recommendation names as respondent the Speaker of the Senate or the President and Vice President of Student Government jointly. Such recommendation shall be based on a reasonable belief that a person(s) holding an office or position has engaged in detrimental conduct or actions as specified in Section 1-2 of this Article.

## **Section 3. Select Commission in Impeachment**

The Speaker of the Senate or Speaker Pro Tempore, as necessary in accordance with Section 2 of this Article, shall appoint a Select Commission on Impeachment, whose composition shall be designated by Statute. The Select Commission shall act on approved recommendations to initiated impeachment proceedings and shall complete its inquiry within twenty (20) class days following appointment. Adoption of Articles of Impeachment against any respondent named in the recommendation shall be constituted by majority vote. The Select Commission shall then transmit the adopted Articles of Impeachment to the Senate within seventy-two (72) hours of the vote.

## **Section 4. High Court of Impeachment and Trial**

Upon adoption of the adopted Articles of Impeachment, the Senate shall convene on a timely and prompt basis as the High Court of Impeachment and shall sit as such until a final determination is reached unless otherwise ordered by the Senate. The Chief Justice of the Supreme Court shall act as Presiding Officer of the High Court at trial, unless the respondent named is the Chief Justice, in which case the Speaker of the Senate shall act as Presiding Officer. The Presiding Officer shall have no vote in the final judgment.

### **4-1.2. Staff of the High Court**

The Senate Liaisons, the Advisor to Student Government, the Senate Officers except for the Speaker of the Senate and Speaker Pro Tempore, and such other personnel as are needed by the Senate shall serve as a staff to the High Court, and perform administrative or resource functions for the Senate while sitting as the High Court. The Presiding Officer of the High Court, as necessary, shall delineate the appropriate functions for the resource and administrative staff.

### **4-2. Trial Procedures**

The Senate shall determine either by Statute or by order when convened as the High Court of Impeachment such forms, procedures, regulations and authority to be used in trial proceedings when sitting at trial. The Senate shall possess the power of subpoena, which it may delegate as necessary to the Presiding Officer or Secretary of the Senate. The trial proceedings shall be open, except when the Senate shall order a closed session, or when the Senate shall receive evidence in confidence. All witnesses shall be sworn as to their testimony.

### **4-2.2. Confidential Evidence and Closed Sessions**

Evidence shall be presented in confidence on written request of the prosecutor, the respondent or by a majority vote of the Senators present. A closed session shall be ordered whenever evidence is to be reviewed in confidence, when the High Court shall deliberate or debate on procedural questions, or at any other time as ordered by a majority vote of the Senators present when sitting as the High Court. Respondents and their representatives may be present at all sessions of the High Court. Absence from the given session shall constitute a waiver of any objection to proceedings during such an absence.

#### **4-3. Verdict and Judgment**

Upon completion of the presentation of all testimony and evidence, and of all arguments and of final debate in trial, a roll call vote shall be taken on each Article presented, with each Article on each respondent being voted on separately. A judgment of acquittal shall be entered if an insufficient number of Senators votes to find the respondent guilty. A judgment of guilt shall be entered if a sufficient number of Senators votes to find the respondent guilty, and a declaration of vacancy and permanent disqualification shall be made, and the vote on any remaining Articles shall be waived and the proceedings for said respondent terminated. The presented Articles and all judgment thereon shall be transmitted at the conclusion of proceedings to the Advisor to Student Government and the University Vice President for Student Affairs by the Presiding Officer.

#### **Section 5. Impeachment Proceedings Excluded from Jurisdiction of Supreme Court**

All actions or issues in controversy which are related to impeachment proceedings shall not be subject to the jurisdiction of the Student Government Supreme Court, nor to the jurisdiction of any body other than the Senate.

## **Article VIII: Amendments and Revisions**

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#### **Section 1. Procedure of Initiation and Ratification**

All amendments or revisions of this Constitution shall be initiated by the methods prescribed in Section 2 of this Article. Unless the proposed amendment or revision has been posted publicly in an appropriately designated place at least five (5) days prior to final action by the Senate, the Senate shall be prohibited from taking action on the same.

##### **1-2. Ratification Procedure**

All amendments or revisions approved by any of the methods specified in Section 2 of this Article by the Senate or the undergraduate student body as an entity shall not be ratified and entered into effect unless the Administration of the University, through the University Vice President for Student Affairs, or in appeal, the President of the University. The University Vice President for Student Affairs shall notify the Senate in writing of the approval or disapproval of the proposed amendment or revision within thirty (30) days of receipt. If the University Vice President for Student Affairs is unable to decide within the thirty (30) day period, the University Vice President for Student Affairs shall notify the Senate in writing and specify the amount of additional time necessary to reach a decision. Unless the decision is rendered within the specified period of such extended period required for the University Vice President for Student Affairs decision, it shall be assumed that the amendment or revision has been approved by the University Vice President for Student Affairs and the same shall be considered ratified and in full force.

##### **1-2.2. Finality of Decision**

The decision of the University Vice President for Student Affairs shall be considered final unless the Senate, within ten (10) class days of receipt of the decision, resolves by majority vote to appeal the decision to the President of the University. Unless a decision has been received by the Senate within thirty (30) days of the receipt of the appeal by the Office of the President of the University, it shall be assumed that the amendment or revision has been approved by the President of the University on appeal and shall be considered ratified and in full force. In cases of appeal, the action of the President of the University as defined in this paragraph shall be considered final.

## **Section 2. Student Processing of Initiated Amendments or Revisions**

Amendments or revisions to this Constitution may be initiated only by the following methods:

### **2-1.2. Senate Action**

The Senate, with a quorum, may by a vote of two-thirds (2/3) of the Senate present and voting, approve amendments or revisions of this Constitution. The vote shall come after a second reading of the title of the proposed amendment or revisions, the first having been in the presence of a quorum at a previous meeting at least five (5) days prior to the date of the meeting at which action is taken. If the same is approved by the required vote, the Officers of the Senate shall sign as part of the original copy and transmit it within five (5) days of Senate enactment to the University Vice President for Student Affairs to initiate the ratification process as provided in Section 1-2 of this Article.

### **2-1.3. Senate Referral**

The Senate may by a two-thirds (2/3) vote of the Senate present and voting initiate an amendment or revision and refer it to a referendum of the undergraduate student body at a date no later than the next regular election. The Speaker of the Senate shall notify the Elections Commission of the referendum and prepare for the same. The question shall be on approving an amendment or revision. If a majority of those voting thereon approve the referendum question, it shall be declared approved in the official declaration of results by the Elections Commission for the given election and then transmitted by the Officers of the Senate, with their signatures affixed, to the Office of the University Vice President for Student Affairs to initiate the ratification process as provided in Section 1-2 of this Article.

### **2-1.4. Initiative Referendum**

An amendment or revision of this Constitution may be initiated by a petition signed by at least seven hundred (700) enfranchised students, with the school, class and identification numbers, and filed with the Elections Commission, which shall be responsible for verifying said petition within ten (10) class days per petition received. If a sufficient number of valid signatures are verified, the Speaker shall notify the Senate of the Senate and the Senate shall determine a date for the referendum, which shall be no later than the next regular election. The question shall be on whether to approve the initiative petition amendment or revision being requested. If a majority of those voting thereon approve the amendment or revision it shall be declared approved in the declaration of results by the Elections Commission. Upon approval of the referendum, the Officers of the Senate shall transmit the same with their signatures affixed to the Office of the University Vice President for Student Affairs.