



## The Student Government Association Constitution

Amended: March 07, 2012

Ratified: \_\_\_\_\_

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### PREAMBLE

The Student Government Association unites students of the University of Maryland community to serve as the undergraduate voice. We seek to address student concerns, working with the University administration and local, state, and national governments to advocate for our interests and views. We facilitate the exchange of ideas through University-wide events, and enable student groups to fulfill their individual missions. Through our efforts, we strive to create a better University of Maryland experience for all undergraduate students.

~~WE, the Undergraduate Students of the University of Maryland, College Park, in order to form a more perfect representation of Student voices and views, establish justice, ensure scholastic integrity, provide for the defense of the rights and liberties of the students of this campus, promote the general welfare of the students of our flagship campus, and resolve to further the significance of an undergraduate diploma from this University of our alumni, ourselves, and future attendees, do ordain and establish this Constitution for the Student Government Association of the University of Maryland, College Park.~~

### ~~ARTICLE I. NAME~~

~~The name of this organization shall be the Student Government Association of the University of Maryland, College Park.~~

### ARTICLE I. ~~II~~: PURPOSE OF THE STUDENT GOVERNMENT ASSOCIATION

**Section 1.** This organization shall be the ~~supreme~~ principle undergraduate student governance body for implementing the objectives set forth in the Preamble, subject only to the ~~laws of our~~ local, state, and ~~the~~ national laws, policies of the University System of Maryland and University of Maryland, College Park, and right of review by the President of the University or his or her specifically designated representative.

**Section 2.** This organization shall formulate ~~policies~~ resolutions promoting and governing the activities and ~~welfare interests~~ of the students of the College Park campus and will advise the Maryland General Assembly, the University Senate, the President of the University, and any body whose decisions affect the undergraduate students of the University of Maryland, College Park of student viewpoints concerning all matters affecting student life.

**Section 3.** This organization shall be responsible for recommending the allocation of Student Activities Fee to the President of the University.

## **ARTICLE II. ~~III.~~ GENERAL ORGANIZATION**

**Section 1.** The membership of this organization shall include all undergraduate students of the University of Maryland, College Park.

**Subsection A.** The Student Government Association does not restrict membership or discriminate on the basis of race, color, creed, sex, sexual orientation, gender identity, gender expression, marital status, personal appearance, age, national origin, political affiliation, physical or mental disability, or on the basis of rights secured by the First Amendment of the United States Constitution. (For definitions of “personal appearance” and “sexual orientation,” see the University’s Code of Human Relations (“Code”))

**Section 2.** The Student Government Association shall be organized into three branches: Executive, Legislative, and Judicial.

**Subsection ~~A~~B.** The Legislative Branch shall consist of the Legislature and the Legislative Staff as specified in the Student Government Association By-laws.

**Subsection ~~B~~A.** The Executive Branch shall consist of the Student Body President, as well as an Executive Board ~~comprised of the Student Body President, Senior Vice President, Vice President of Financial Affairs, Vice President of Academic Affairs and Student Liaison to the City Council~~ and an Executive Cabinet as specified in the Student Government Association By-laws.

**Subsection C.** The Judicial Branch shall consist of the Governance Board.

### **Section 3. Conflicts of Interest**

~~**Subsection A.** All members of the Student Government Association Executive, Legislative and Judicial Branches holding positions in organizations other than the Student Government Association for which they receive a salary or other monetary compensation paid from the Student Activities Fee must abstain from any actions directly pertaining to the financing of said organization with the Student Activities Fee.~~

**Subsection B.** All actions taken by the Legislature to modify any salary, or honorarium paid out of the Student Activities Fee, shall take effect at the beginning of the following fiscal year. No action altering honoraria or salaries may be taken within 30 days prior to the Student Government Association Elections and may not resume until the next term.

## **ARTICLE III. ~~V.~~ THE LEGISLATIVE BRANCH**

### **Section 1. Organization of the Legislature**

**Subsection A.** All legislative powers granted herein shall be vested in the Legislature whose members shall be elected annually, apportioned on a one-person basis in a ratio of 1 representative per 1800 students in each legislative district. Representation shall be divided into geographic divisions and academic colleges.

These divisions shall be reevaluated every five years ~~starting in 2001~~, next in 2016.

**Subsection B.** The Speaker of the Legislature shall preside over Legislative meetings, following the Standing Rules of Order of the Student Government Association.

**Subsection C.** The election of the Speaker of the Legislature shall be the first item of business at the first meeting of the new legislative session. The ~~Senior Vice President~~ previous term's Speaker of the Legislature shall preside over the Legislative meetings until the new Speaker is elected, but may not exercise the right to cast a tie-breaking vote.

~~**Subsection D.** The Legislature shall be responsible for the proper functioning of all committees under its jurisdiction.~~

~~**Subsection E.** The Legislature, by a three-fourths (3/4) vote of its membership, may bring impeachment proceedings before the Governance Board for neglect or unsatisfactory performance of duty against appointed or elected officers of any branch or arm of the SGA except for Judicial Branch members.~~

~~**Subsection F.** All Presidential and Vice Presidential appointments are subject to a two-thirds (2/3) majority vote of the Legislature.~~

~~**Subsection G.** All committee responsibilities shall be outlined in the By-Laws.~~

~~**Subsection H.** The formation of all ad hoc committees is subject to approval by a majority vote of the Legislature.~~

## Section 2. Powers and Duties

**Subsection A.** The Legislature shall approve appropriate funding requests for recognized student groups.

**Subsection B.** The Legislature shall conduct constituent outreach in order to identify student issues and opinions.

**Subsection C.** The Legislature shall take stances on issues affecting students by passing appropriate legislation.

**Subsection D.** The Legislature shall include and participate in relevant committees under its jurisdiction.

**Subsection E.** The Legislature shall have the ability to form ad hoc committees.

**Subsection F.** The Legislature, by a two thirds (2/3) majority vote, shall approve all Presidential and Vice Presidential appointments.

**Subsection G.** The Legislature, by a three-fourths (3/4) vote of its membership, may bring impeachment proceedings before the Governance Board for dereliction of duty against appointed or elected officers of any branch or arm of the SGA except for Judicial Branch members.

**Subsection H.** The duties of the Legislative Branch shall be specifically designated in the By-laws of this Constitution.

## ARTICLE IV. THE EXECUTIVE BRANCH

### Section 1. Organization of the Executive Branch

**Subsection A.** All executive powers granted herein shall be vested in the officers of the Executive Branch of the Student Government Association, ~~who shall be~~ elected annually, and in the appointed Executive

Cabinet members as specified in the Student Government Association By-laws or as delegated to them by the President.

## Section 2. Powers and Duties

**Subsection A.** The Executive Branch shall be charged with implementing all resolutions enacted by the Legislature.

**Subsection B.** ~~Elected~~ Executives ~~Board members~~ shall be ex-officio non-voting members of the Legislature and shall have no power to introduce legislation.

**Subsection C.** ~~If~~ The Student Body President ~~has the privilege to veto legislation does not sign or veto an item of legislation within ten school days after its passage by the Legislature, said legislation shall be enacted without further action.~~

**Subsection D.** The duties of the Executive ~~officers~~ Branch shall be specifically designated in the By-laws of this Constitution.

## ARTICLE V. VI. THE JUDICIAL BRANCH

### Section 1. Organization

**Subsection A.** All judicial powers granted herein shall be vested in the Judicial Branch of the Student Government Association with appellate jurisdiction vested in the Governance Board.

**Subsection B.** Appointment to the Governance Board ~~is for the duration of that justice's undergraduate academic career at the University of Maryland, College Park, at the termination of which, due to graduation, resignation, or withdrawal from the University the Student Body President shall appoint a replacement subject to approval by a two-thirds (2/3) majority vote of the Legislature.~~ shall be the same duration as the legislative year in which they were appointed. At the conclusion of the legislative year, any Justices still eligible may reapply for their seat. Seats vacated before the end of the legislative year, due to resignation or withdrawal from the University, will be filled through appointment by the Student Body President, subject to approval by a two-thirds (2/3) majority vote of the Legislature.

**Subsection C.** The Governance Board shall be composed of five voting members, one of whom shall be chosen by ~~the Student Body President~~ a majority vote of the justices to serve as Chief Justice. The composition of the Board shall conform to the following requirements:

1. Members of the Board shall be undergraduates in good financial and academic standing with the University.
2. A justice may not hold any other appointed or elected position within the Student Government Association his or her tenure.

**Subsection D.** The Governance Board advisor, or authorized representative, shall be present whenever ~~the Board convenes or~~ a case is heard.

### Section 2. Powers and Duties

**Subsection A.** The Governance Board shall have original jurisdiction over the following:

1. The constitutionality of any action taken by the Student Government Association, and any affiliates or members thereof.
2. The constitutionality, according to its individual constitution, of any action taken by an SGA recognized student group or other group or governing body which is recognized under the SGA Constitution or By-laws.

3. Constitutional conflicts between two or more SGA recognized student groups or governing organizations.
4. All Student Government Association election cases arising from Student Government Association By-laws and procedures.

### **Section 3. Procedure**

~~**Subsection A.** A quorum of the Governance Board shall consist of three of the five appointed members.~~

**Subsection A.** When the Governance Board is considering a case, the decision must be rendered ~~unanimously~~ by a majority of the members present.

**Subsection B.** The Board shall follow the rules of procedure established in the By-laws.

**Subsection C.** The Board shall hear all impeachment proceedings by the Legislature and render a final decision.

### **ARTICLE VI. VII. ADVISORS**

**Section 1.** Representatives of the Office of the Vice President for Student Affairs shall serve as advisors of the Student Government Association.

**Section 2.** The Governance Board shall have a separate advisor from the Office of the Vice President for Student Affairs.

### **ARTICLE VII. VIII. PROCEDURE**

**Section 1.** This Constitution shall take precedence over any other student instrument governing the undergraduate student body of the University of Maryland, College Park.

**Section 2.** All recognized student groups and governance organizations shall be under the authority of the Legislature of the Student Government Association. This authority shall be original and final.

**Section 3.** Student groups and other organizations shall be granted recognition according to the procedures outlined in the appropriate sections of the ~~SGA~~ Student Government Association By-laws.

~~**Section 4.** The jurisdiction of the Student Government Association in the areas of commuter, resident, and Greek affairs shall be original and final. Any and all actions taken by the SGA in direct contravention of actions taken by the Residence Halls Association, University Commuters Association, Intra Fraternity Council, Pan Hellenic Association, Pan Hellenic Council or other governing bodies or organizations recognized under the authority of the SGA Constitution and By-Laws shall be resolved by agreement between the organization involved or, that failing, by a ruling of the Governance Board.~~

### **ARTICLE VIII. IX. FEES**

Student Activities Fees should be paid to the University of Maryland, College Park, at the time regular tuition fees are payable. These fees will constitute a general student activity fund to encourage activities determined beneficial to the undergraduate student body by the Student Government Association.

### **ARTICLE IX. X. ELECTIONS**

**Section 1.** No registered undergraduate student shall be denied the right to vote.

**Section 2.** Elections for all Student Government Association ~~offices~~ ~~positions~~ shall be conducted in compliance with Student Government Association By-laws and regulations.

#### **ARTICLE X. ~~XI.~~ PETITION, REFERENDUM, AND RECALL**

All undergraduate students ~~The members of the organization~~ shall have the right of petition, initiative, referendum, and recall in the manner specified by the By-laws.

#### **ARTICLE XI. ~~XII.~~ AMENDMENTS AND BY-LAWS**

**Section 1.** This Constitution may be amended by a three-fourths (3/4) majority vote of the entire membership of the Legislature, or with prior notification, as specified by the Standing Rules of Order of the Student Government Association, a three-fourths (3/4) majority vote of those present and voting.

**Section 2.** For a constitutional amendment to be enacted, the Student Government Association must provide notification, in a ~~campus-wide email~~ or general circulation campus publication, which shall not necessarily be the verbatim text of the amendment so long as verbatim texts are made available in the Student Government Association office. If a petition requesting referendum, signed by one percent of the undergraduate student body, is not submitted to the Student Government Association before the end of a ten day period, a second vote shall be taken by the Legislature for the amendment to be enacted.

**Section 3.** If a petition is filed, the amendment shall be brought to a referendum within fourteen days or, failing that, on the earliest date possible. In the event that a majority of votes cast in the referendum are in favor of the amendment, it shall be ratified.

**Section 4.** By-laws to implement this Constitution shall be amended by a two-thirds (2/3) majority vote of those members present and voting at a meeting of the Legislature.

**Section 5.** All amendments to the Constitution and By-laws are subject to approval of the Office of the Vice President of Student Affairs.