

# Constitution of the Student Government Association at the University of Memphis

Amended by a referendum of the student body in the spring of 2010.

## ARTICLE I – NAME, PURPOSE AND STRUCTURE

### Section 1.

The name of the organization shall be the Student Government Association (SGA) of The University of Memphis.

### Section 2.

The purposes of this organization are

- (a) to encourage students to realize the full potential of the University experience,
- (b) to develop loyalty and enthusiasm for the University of Memphis,
- (c) to supplement academic goals through the development of appropriate co-curricular programs,
- (d) to aid in the social adjustment and maturation of students,
- (e) to provide leadership training in an environment which permits the expression and examination of a wide range of ideas,
- (f) to directly reflect student needs and interests in the promotion of campus activities, and
- (g) to work in conjunction with the administrative officers in all matters affecting the welfare of the student body.

### Section 3.

The officers of the Student Government Association of The University of Memphis shall be organized into (3) branches: the Executive, the Legislative, and the Judicial. The Executive branch shall be headed by a President and a Vice-President. The Legislative branch shall be headed by a Speaker. The Judicial branch shall be headed by a Chief Justice.

### Section 4.

If the office of the President shall become vacant, it shall be filled by the Vice-President. If the office of the Vice-President should become vacant, it shall be filled by appointment by the President, with the approval of two-thirds (2/3) of the Student Senate membership present. In the event the offices of the President and Vice-President are vacant simultaneously, for any reason, the Speaker of the Senate shall immediately succeed to the office of President and appoint a Vice-President.

## **ARTICLE II -MEMBERSHIP**

### **Section 1.**

Membership in this organization shall be comprised of all students registered at the University of Memphis, including undergraduate, graduate, and professional students, both full time and part-time.

## **ARTICLE III - EXECUTIVE BRANCH**

### **Section 1.**

All executive powers granted herein shall be vested in a President of the Student Government Association. The President of the Student Government Association shall be assisted by a Vice-President, a Cabinet, and such Staff Personnel as he or she shall appoint.

### **Section 2.**

The President of the Student Government Association of The University of Memphis shall have the following duties:

- (a) to faithfully execute all of the laws of this Constitution, of the Student Senate, and all other laws of the Student Government Association,
- (b) to call and preside over meetings of the Executive Council,
- (c) to submit to the Student Senate for approval the proposed budget for the year,
- (d) to appoint students to the University-wide Standing Committees,
- (e) to appoint students to the President's Cabinet and to call Cabinet meetings at his or her discretion,

- (f) to present to the Student Senate for confirmation all vacancies filled by the Student Court selection committees for approval by two-thirds (2/3) of the Student Senate membership present,
- (g) to require, when requested, a written opinion by the Attorney General of any provision of the Constitution or the laws of the Student Government Association,
- (h) to preside over the first meeting of the Student Government Association Senate until such time as the Senate selects a Speaker,

### **Section 3.**

The President of the Student Government Association of the University of Memphis shall have the following privileges:

- (a) to call special sessions of the Student Senate,
- (b) to veto any acts of the Student Senate. If the President does not veto any act of the Student Senate within ten (10) days after passage, such act becomes law without the President's signature. The President shall not have the power to veto articles of impeachment,
- (c) to appoint or remove such other Staff Personnel and members of his or her Cabinet as he or she may deem to be in the best interest of the Student Body,
- (d) to serve on the appropriate Judicial Selection Committee,
- (e) to serve on the Tennessee Council of Student Presidents,

### **Section 4.**

The Vice-President of the Student Government Association of The University of Memphis shall have the following duties:

- (a) to execute the duties and powers of the President in his absence,
- (b) to perform such duties as the President may assign him,
- (c) to serve on the appropriate Judicial Selection Committee.

### **Section 5.**

The Executive Council of the Student Government Association shall be comprised of the

President, the Vice-President, the Speaker of the Senate, and the Chief Justice of the Student Court. This Council shall be chaired by the President of the Student Government Association.

#### **Section 6.**

The President's Cabinet shall be comprised of those offices as stipulated in the Executive Branch By-Laws. All persons appointed by the President to fill Cabinet positions must be confirmed by two-thirds (2/3) of the Student Senate membership present.

Laws which amend acts concerning the Cabinet in any manner (i.e., abolishing posts, creating posts, altering duties) shall be initiated only by the SGA President for passage by the Senate. Should the President veto any such act, the Senate may not override said veto.

## **ARTICLE IV - LEGISLATIVE BRANCH**

#### **Section 1.**

All legislative powers granted herein shall be vested in a Student Senate.

#### **Section 2.**

Each of the following colleges shall be entitled to Senators as apportioned according to the total student enrollment: the College of Business and Economics , the College of Education, the College of Communication and Fine Arts, College of Engineering, School of Nursing, the College of Arts and Sciences, the University College, the Graduate School , the School of Audiology and Speech Pathology and the Law School. The Senate shall be composed of (36) Senators, 18 of whom shall be apportioned based upon the previous fall enrollment to be determined by the Speaker of the Senate each fall semester. Each college or school shall be apportioned at least one Senator.

#### **Section 3.**

The membership of the Student Senate shall be chosen to last until the next general election.

All officers of the Student Senate shall be chosen to serve for a term to last until the next general election.

#### **Section 4.**

The Speaker of the Senate shall be chosen from within the Senate membership. The Speaker

shall be the chief officer of the Legislative Branch and uphold the laws of the Student Government Association. He or she shall:

- (a) preside over all meetings of the Student Senate, except as provided for in Article VI, Section 8,
- (b) to appoint the members and chairs of all committees of the Student Senate
- (c) to serve on the Judicial Selection committees.

#### **Section 5.**

The Speaker of the Student Senate shall have the following privileges:

- (a) to call special sessions of the Student Senate,
- (b) to appoint a Parliamentarian, Clerk, Serjeant at Arms, or other such functionaries of the Senate as he or she may decide,
- (c) the Speaker is an ex-officio member of all Committees of the Student Senate

#### **Section 6.**

The Speaker Pro-Tempore shall be elected from the membership of the Student Senate by majority vote of those present, for a term of one year. Said election shall take place by the third regular meeting of the Student Senate. The Speaker Pro-Tempore shall have the following duties and powers:

- (a) to preside over the Student Senate in the absence of the Speaker of the Senate,
- (b) to perform such duties as the Speaker of the Senate may assign him.

#### **Section 7.**

The Clerk of the Senate shall have the following duties:

- (a) to be responsible for the accurate recording of the minutes of all regular and special meetings of the Student Senate, and
- (b) to be responsible for, under the direction of the Speaker of the Senate, all administrative functions pertaining to the Legislative Branch.

#### **Section 8.**

If a Student Senate position should become vacant, the Student Government Association

President shall fill the vacancy by appointment, with approval of two-thirds (2/3) of the Student Senate membership present.

#### **Section 9.**

A majority of the membership of the Student Senate shall constitute a quorum to do business. The Student Senate shall meet not less than twice (2) each month during each full month of the regular school term, at the call of the SGA President, at the call of the Speaker of the Senate, or upon the written request of a majority of the Student Senate.

All enactments of the Student Senate, including changes in the laws of the Student Government Association, shall be passed by a majority vote (a tie vote shall not constitute majority and thereby fail), unless otherwise specified in the Constitution.

The term "Student Senate membership" shall be defined as the total number of Senators in office at the time.

#### **Section 10.**

The Student Senate shall have the following duties:

- (a) to select from among the representatives in the Student Senate, a Speaker in the first item of business during the first meeting
- (b) to specify in the Senate bylaws other duties that may be required of Senators.
- (c) to adopt legislation to approve the budget for the year.

#### **Section 11.**

The Student Senate alone shall have the following powers:

- (a) to enact such legislation as may be deemed consistent with the goals and desires of the Student Body of The University of Memphis,
- (b) to create permanent or temporary committees within the Student Senate as needed,
- (c) to approve by two-thirds (2/3) vote of the Student Senate membership present at all Cabinet appointments,
- (d) to approve by two-thirds (2/3) vote of the Student Senate membership present all appointments made by the SGA President to fill vacated positions in the Student Senate,

- (e) to approve by two-thirds (2/3) vote of the Student Senate membership present all appointments to the Student Court,
- (f) to approve by majority vote of the Student Senate membership present appointments to the TISL delegation,
- (g) all matters not expressly delegated to the Executive or Judicial Branches,
- (h) to override the veto of the SGA President by a vote of two-thirds (2/3) of the Student Senate membership present, unless otherwise stated in the Constitution,
- (i) to bring articles of impeachment against any officer of the Student Government Association.
- (j) to rescind the impeachment of a Senator through an act of the Senate receiving a 2/3 affirmative vote.

#### **Section 12.**

Any exercise of the stated powers or any action of the Student Senate may be reviewed, altered or repealed by a referendum. Upon receipt of a petition containing the statement of such referendum and bearing the name and signatures of ten percent of the number of members of the SGA who voted in the most recent general election, the President of the Student Government Association shall fix the time of the vote on such referendum, to be held no later than one month.

## **ARTICLE V - JUDICIAL BRANCH**

#### **Section 1.**

All judicial powers granted herein shall be vested in a Student Court composed of the Chief Justice and eight (8) Associate Justices to be selected by a Selection Committee as provided herein and presented by the Speaker to the Senate for individual confirmation by two-thirds (2/3) vote of the membership present. The quorum for the Student Court shall be five (5), except in the case of Traffic Court decisions.

#### **Section 2.**

The Chief Justice must have served on the Court for one full term to be eligible for the Chief

Justice position. The Chief Justice shall be selected by a Selection Committee consisting of the Associate Dean of Students for Judicial Affairs (to be chairman voting only in case of a tie), the retiring Chief Justice (vice-chairman), senior outgoing Associate Justice, SGA President, Vice-President and Speaker of the Senate. The Chief Justice shall serve a term of one (1) year, such term beginning from the date of confirmation. In the event the Chief Justice is seeking reappointment, the Associate Dean for Judicial Affairs shall select one (1) Associate Justice to serve on the Selection Committee in place of the Chief Justice.

### **Section 3.**

The Chief Justice shall be selected one (1) from among the Associate Justices to serve as Associate Chief Justice. In the event the Chief Justice resigns or is removed from office, the Associate Chief Justice shall serve as temporary Chief Justice pending the Selection Committee's selection of a new Chief Justice and confirmation by the Senate by a two-thirds (2/3) vote of the membership present. Other duties and powers reserved for the Associate Chief Justice shall be enumerated in the Student Court By-Laws.

### **Section 4.**

The Chief Justice shall have the following duties:

- (a) to faithfully observe the Constitution and laws of the Student Government Association in all matters,
- (b) to preside over, or appoint the presiding justice to all Court sessions and hearings,
- (c) to represent the Court, or appoint a representative in his absence, in all business with the Legislative and Executive Branches of the Student Government Association.

### **Section 5.**

The Chief Justice shall have the power to call special meetings of the Student Court.

### **Section 6.**

Justices shall be selected by a Selection Committee consisting of the following:

Chief Justice (chairman), the Associate Dean for Judicial Affairs (vice-chairman), the Associate Dean for Minority Affairs, President of the SGA, Speaker of the Senate, and two committee members chosen by the Vice-President for Student Affairs. These two positions must consist of one student at-large, and one student chosen from the Residence Hall

Association. The Chief Justice shall be responsible for presenting to the Student Senate for confirmation any Court appointees by the first Student Government Association meeting. Justices may remain in office as long as they qualify to serve as stipulated in Article VII.

### **Section 7.**

The Student Court shall have jurisdiction in the following cases:

- (a) in all cases involving offense against the provisions of the Constitution, Laws, and By-Laws, and infractions of the Election Laws of the Student Government Association, except cases of impeachment. The Student Court has the power to interpret the SGA Constitution and By-Laws.
- (b) in cases referred to it by the Associate Dean of Students for Judicial Affairs, where the student has elected to have the Court consider his case.
- (c) in cases referred to it by the Associate Dean of Students for Judicial Affairs, where an organization without an organization governing body elects to have the Court consider the case.
- (d) in all appeals of the Election Commission's decisions.
- (e) in cases involving traffic violations.

### **Section 8.**

Student Court Procedures - Social Discipline Cases.

- (a) In its adjudication of all cases brought before it, the Student Court shall at all times conduct itself in accord with the following procedures designed to safeguard the rights of all students.
- (b) Student rights, in accord with the Code of Student Conduct, as printed in the current handbook and changes to that Code Section IV as follows:
  - 1. A written notice of the time and place of the hearing at least three (3) days in advance.
  - 2. A written statement of the charges in sufficient detail as to enable him/her to prepare a defense.
  - 3. The right to be accompanied or assisted by an adviser of his/her choice.

4. A statement of the possible sanctions that may be imposed as a result of a finding of violation of the Code of Student Conduct.
5. The right to present witnesses in his/her behalf and to question any witnesses presented against him/her. Such witnesses shall testify singly and the student is responsible for the attendance of any witnesses in his/her behalf.
6. All students shall have the right to appeal any decision of the Student Court to the University Appeals committee. All appeals should be addressed in writing to the Chairman of the University Appeals committee within forty-eight (48) hours after the student is notified of the decision.

(c) The Court shall report in twenty-four (24) hours to the appropriate University official all decisions reached by it and the disciplinary sanctions determined by it.

## **Section 9.**

### Student Court Procedures - Traffic Cases

- (a) The Student Court shall operate Traffic Court which shall have jurisdiction in any cases which involve violations of campus traffic regulations.
- (b) The Traffic Court shall operate on a rotation basis to be designated by the Chief Justice of the Student Court. At least three (3) Justices must be present to have quorum. Notification of times of Court sessions shall be made public.
- (c) Decisions shall be decided by a majority vote of the Justices. All decisions of the Traffic Court shall be rendered immediately upon deliberation of the Justices.

## **Section 10.**

### Student Court Procedures - Decisions on Appeals

- (a) Each appeal to the Student Court must be decided within 72 hours.
- (b) A majority vote shall be sufficient for a decision.
- (c) The Student Court shall make available its written opinion in the aforementioned cases within a reasonable amount of time subsequent to rendering its decision.

# ARTICLE VI - ELECTION & QUALIFICATIONS

## Section 1.

Any candidate for an elected position or an appointed office in this organization shall be a student with a minimum of six (6) semester hours at The University of Memphis and must carry a course load of at least six (6) hours per semester during his/her term of office. Each candidate must have a cumulative GPA of at least 2.00, and maintain a 2.0 cumulative GPA during his/her term of office. Candidates for the President, Vice-President, Speaker of the Senate or Chief Justice must have a cumulative GPA of at least 2.75 and maintain a cumulative GPA of 2.75 during his/her term of office.

## Section 2.

To qualify as a candidate for a Senator's seat from a particular college at The University of Memphis, a student must be enrolled in that college.

## Section 3.

In order to be a candidate for President, Vice-President or Speaker of the Senate of the Student Government Association, said candidate must have a minimum of thirty six (36) semester hours at the time of his/her election. Time spent as a delegate to any convention or conference sponsored by the Student Government Association shall not fulfill the requirement set forth in this section.

## Section 4.

All Justices of the Student Court are required to meet the following special qualifications:

- (a) the Chief Justice must be of at least junior classification and shall be required to have at the time of his/her appointment a cumulative grade point average of not less than 2.75.
- (b) of the remaining eight (8) Associate Justices, all should be of at least sophomore standing and have a per semester GPA of not less than 2.00.
- (c) law students are required to maintain a 2.50 average in any Court membership capacity.
- (d) each Justice of the Court shall carry a course load of at least six (6) semester hours at

The University of Memphis during his/her term of office.

**Section 5.**

The election should be held from the last Tuesday in March, to the following Thursday with installation of SGA officers no earlier than 5 days and no later than 14 days after election.

**Section 6.**

The Election Laws of the Student Government Association shall apply in all Student Body elections except where in conflict with this Constitution. The Student Body Election Commission shall have the authority to administer all student-wide and student sponsored elections and referenda in accordance with the laws and procedures specified in the Student Body Election Laws. The Student Body Election Commission shall consist of representatives selected from student organizations as stipulated by the Election By-Laws.

**Section 7.**

The President, Vice-President, Speaker of the Senate, or Chief Justice shall not hold more than two offices of President or Vice-President, or the equivalent of said offices in any other registered organization during their term of office, except in honorary organizations.

## **ARTICLE VII - IMPEACHMENT**

**Section 1.**

All officers of the Student Government Association with the exception of the President's Cabinet and Staff are subject to impeachment and trial by the Student Senate. All members that are impeached, tried and convicted shall be ineligible for any office within the SGA for the current general assembly.

**Section 2.**

After a party has been impeached, his/her trial shall be heard at the next meeting of the Student Senate. If a two-thirds (2/3) affirmation is not met, the impeached party is innocent and remains in the office he held. No party described in this article shall be subject to double jeopardy.

# ARTICLE VIII - AMENDMENTS

## Section 1.

All amendments to this Constitution must be proposed by one of the following methods:

- (a) by vote of two-thirds (2/3) of the Student Senate membership, or
- (b) by a petition bearing the signatures of three (3) percent of the students of The University of Memphis. This petition must be presented in writing to the President of the Student Government Association and must state the issue upon which action is requested.

## Section 2.

Proposed amendments to this Constitution must be publicly available to the student body at least two weeks before the amendments' referendum takes place. Notice of the referendum must be published in one issue of the Daily Helmsman.

## Section 3.

Proposed amendments to this Constitution shall be adopted upon a majority vote of the members of this organization voting on the proposed amendments.

## Section 4.

Each academic year, a special Student Government Committee, made up of representatives from each branch of government, shall be appointed by the Student Government Association President to review this Constitution and make recommendations to the Student Senate on possible revisions.

## Section 5.

Each branch of the SGA shall be entitled to have its own set of By-Laws. While the By-Laws may not contradict or serve as official amendments of the Constitution, they shall serve to supplement the Constitution and aid the administration of each branch.