To Be Rescinded

3359-43-01 Constitution.

(A) Preamble.

We, the members of associated student government (ASG), the governing body of the students at the university of Akron, consisting of a senate, house of representatives, executive branch and judicial branch, are dedicated to understanding and addressing the needs and interests of the undergraduate community. The members of ASG, being significant partners with administration and faculty in university governance, are committed to fostering informed and responsible leaders prepared to be an influential advocate for student rights and values.

(B) Introduction.

(1) Officers.

- (a) Senate officers consist of senate chair and senate vice chair.
- (b) House of representatives officers consist of speaker of the house, vice speaker of the house and secretary.
- (c) Executive branch officers consist of president and vice president.
- (d) Judicial branch officers consist of chief justice and executive justice.

(2) Membership requirements.

- (a) All members shall be undergraduate students enrolled continuously during the fall and spring semesters at the university of Akron. Members must maintain membership requirements both at the time of election or appointment and throughout their term of office. There are two categories of membership with differing requirements:
 - (i) Elected and appointed members are the executive branch, house of representative officers, justices,

and senators. They must carry at least twelve credit hours, maintain a 2.3 accumulative grade point average, and be in good standing with the university of Akron.

- (ii) Selected members are all other students serving as committee members on standing committees of any branch. They must carry at least eight credit hours, maintain a 2.0 accumulative grade point average, and be in good standing with the university of Akron.
- (b) All members of ASG, unless otherwise excused, shall be required to attend the two training retreats in the summer prior to the academic year in which they are serving, and a winter retreat that shall occur during the winter break of the academic year. The first summer retreat shall be held within the first two weeks of August. The senate, before the general election, shall determine specific days and times for their retreats.

(3) Finances.

There shall be no membership dues for membership in ASG. ASG will manage its own finances in accordance with the rules and regulations prescribed by the university of Akron. The main source of funding will be the extracurricular activities fund.

(4) Compensation.

Members of ASG eligible for compensation are determined by the student leader compensation policy. Compensation can be denied to any of these individuals if they fail to maintain the membership requirements of ASG and those set forth in the university of Akron student leadership contract and bylaws. Compensation hearings, coordinated by the office of student development, shall be held twice a semester to determine if compensation is in order based on the individuals fulfilling these requirements. No individual may hold more than one compensated position concurrently within ASG.

(5) General elections.

(a) The general elections shall be held on the Tuesday and Wednesday before spring break.

- (b) At each general election there shall be nine open senate seats, five one year seats and four two year seats. The ASG president and vice president shall also be elected as a ticket at this time.
- (c) Candidates eligible for the ASG president position must have completed at least thirty two credit hours and served at least one year of an appointed or elected position in associated student government.
- (d) All elected ASG members may succeed themselves through re-election and must have sufficient time prior to graduation to fill the entire tenure of their office.
- (e) All elected members of the general election shall take office on and be sworn in at the last regular senate meeting of the academic year.

(6) Freshmen elections.

- (a) Freshmen elections shall be held within the first six weeks of the fall semester.
- (b) Those candidates elected to a freshman senate seat shall be sworn in at the senate meeting immediately following the freshmen election.

(7) Special elections.

(a) Initiative. Legislation may be proposed to the senate by a petition containing the signatures of undergraduate students equal to fifteen per cent of the number of students voting in the most recent general election. Passage of said legislation will take place with a two thirds majority vote of senate as a whole. If this legislation is disapproved by the senate, it may be passed by a majority vote of the undergraduate student body. The majority vote must at least equal the number of majority votes cast in the most recent general

election. This election shall take place as expeditiously as possible.

- (b) Referendum. Any legislation considered before ASG may, by a two-thirds majority vote of senate as a whole, be referred to the undergraduate student body. All information regarding this legislation must be distributed to the voting population at least one week prior to this election. At least two-thirds of the number of students voting in the most recent general election must participate to validate the election. Passage of the referendum shall require a majority of affirmative votes based upon the total number of those students voting in that special election.
- (c) Recall. Any elected member of ASG may be recalled with a petition containing at least twenty five percent of the number of the undergraduate student body voting in the most recent general election. Once the petition has been checked and verified by the office of student development, a recall election shall occur as expeditiously as possible. The member shall be considered removed from office with a majority of the votes at least equaling the majority of the votes cast in the most recent general election. Upon this removal, the office shall be deemed vacant and shall be filled by the procedures outlined in this constitution.

(8) Advisors.

(a) Faculty advisor.

(i) The faculty advisor shall serve until he/she resigns or is removed by the chief student affairs officer. If the faculty advisor receives a vote of 'no confidence' by the senate, the resolution would be brought to the attention of the chief student officer for his/her consideration. A vote of confidence shall be taken at the last regular senate meeting of the academic year before the new members are sworn in. A vote of confidence shall consist of a majority vote of the senate as a whole.

(ii) In the event of a faculty advisor vacancy, the vacancy will be brought to the attention of the chief student affairs officer. The president, chief justice, senate chair and the house speaker will then work with the chief student affairs officer to recommend a new faculty advisor.

- (iii) The responsibilities of the faculty advisor are as outlined in "the role of the faculty advisor," which is provided by the office of student development.
- (iv) Qualifications of the faculty advisor shall be outlined by the university of Akron policy regarding the faculty advisors of student organizations.

(b) Leadership advisor.

- (i) The leadership advisor shall serve until he/she resigns or is removed by the faculty advisor. If the leadership advisor receives a vote of 'no confidence' by the senate, the resolution would be brought to the attention of the faculty advisor for his/her consideration. A vote of confidence shall be taken at the last regular senate meeting of the academic year before the new members are sworn in. A vote of confidence shall consist of a majority vote of senate as a whole.
- (ii) In the event of the leadership advisor vacancy, the vacancy will be brought to the attention of the faculty advisor, the president, chief justice, senate chair and the house speaker will then work with the faculty advisor to recommend a new leadership advisor.
- (iii) The leadership advisor shall be hired by the faculty advisor and shall serve until he/she resigns or is removed by the faculty advisor.
- (iv) The responsibilities of the leadership advisor are as outlined and delegated by the faculty advisor.

(iv) The faculty advisor shall decide upon qualifications of the leadership advisor.

(9) Nondiscrimination clause.

ASG shall not discriminate on the basis of race, creed, national origin, ancestry, gender, age, handicap, veteran status, or sexual orientation in the selection of its members or in its programs unless federal or state laws allow for such exceptions.

(10) Student development clause.

ASG shall maintain a current registration form including a list of officers, addresses, the name of the faculty advisor, and the most recent amended constitution with the student development office.

(11) Rules for organizational procedures.

Ultimate authority lies first in the ASG constitution followed by branch bylaws. In all other cases a motion shall be disposed in accordance with the procedures outlined in the applicable edition of robert's rules of order.

(12) Authority/jurisdiction.

- (a) All functions, powers, and responsibilities designated in this constitution are subject to policies enacted by the legal authority of the university of Akron board of trustees, Ohio law, and United States law.
- (b) All undergraduate students enrolled at the university of Akron shall be governed by the proper branch of associated student government, insofar as specific powers and authority are delegated to such officers and agencies by provisions in this constitution.

(13) Bylaws.

Each branch shall have bylaws which detail the procedures they shall follow, but the ASG constitution shall be recognized as the

ultimate authority. Each branch's bylaws shall be reviewed and passed by the second regular branch meeting of the academic year by a majority vote of the branch as a whole.

(C) Senate.

(1) Powers.

The legislative powers herein granted in article II shall be vested in the senate of associated student government.

(2) Senate membership.

- (a) The senate shall be composed of fifteen senators, eight of whom shall hold two year terms, with four elected in even years, and four elected in odd years. There shall also be five one-year senators elected in each general election, and two freshman senators, who will serve one year, elected during the freshman election. Candidates eligible for freshman senate positions are students with freshman status at the university of Akron. All senators must meet the membership qualifications specified in article I section 1 of this constitution.
- (b) The term "senate as a whole" shall be defined as the number of filled senate seats.

(3) Senate chair and senate vice chair.

- (a) The senate chair and senate vice chair shall be elected by a majority vote of senate as a whole at the last regular senate meeting of the academic year by the senators to serve during the next term.
- (b) The senate chair and senate vice chair shall serve a term of one year and are entitled to vote on all matters. Some of the duties of the senate chair include, but are not limited to:
 - (i) Attend a weekly administrative team meeting;
 - (ii) Appoint standing committee chairs and vice chairs;
 - (iii) Manage the general operations of the senate;

- (iv) Preside over senate meetings;
- (v) Appoint all senators with a two-thirds majority vote of the senate as a whole; and
- (vi) Appoint a senate clerk with two thirds majority vote of the senate as a whole.

(4) Vacancies and appointments.

- (a) In the case of the absence of the senate chair, the senate vice chair shall preside over the senate meeting. If both the senate chair and the senate vice chair are absent, the line of succession will be determined by the legislative bylaws.
- (b) Any person temporarily filling the position of senate chair shall have appointment powers suspended.
- (c) If a permanent vacancy occurs in the position of senate chair, a new senate chair will be elected at the next senate meeting to finish the term.
- (d) The senate shall approve appointments made by the president to the student superior court, the executive branch and the faculty senate by two thirds majority vote of senate as a whole.

(5) Budget and goals.

The senate shall review and approve the annual operating budget for ASG and annual goals when presented by the president at the second regular senate meeting of the academic year.

(6) Student organizations.

The senate shall recommend the registration of student organizations upon the presentation of a petition for registration, and recommend to the university president, or designated representative, the continuation, denial, or withdrawal of registration status for any undergraduate student organization.

(7) Meetings.

(a) The senate shall meet weekly during the academic year.

The senate chair shall determine a time for regular senate meetings with the two-thirds majority vote of senate as a whole before the first regular meeting of the academic year.

(b) Any meeting that requires the attendance of the senate and is not a regular meeting shall be defined as a special meeting. A special meeting can be requested by a two-thirds majority vote of senate as a whole. The president or senate chair can also call a special session by giving the senators a forty eight hour notice.

(8) Standing committees.

The senate can establish and dissolve standing committees as it deems necessary by a two thirds majority vote of senate as a whole. Standing committees shall meet weekly during the academic year. A chair and vice chair, appointed by the senate chair from among the senators, shall administrate every standing committee. A description and objective of each standing committee shall be outlined in the legislative bylaws.

(9) Ad hoc committees.

- (a) The senate shall establish those ad hoc committees as it deems necessary. An ad hoc committee is established to complete a specific task.
- (b) By a two-thirds majority vote of senate as a whole, senate shall:
 - (i) Approve the senate chair's proposal to establish an ad hoc committee and the appointments made to each; and
 - (ii) Approve the senate chair's proposal to terminate the committee, once the committee has completed its task.

(c) If the senate fails to terminate an ad hoc committee, it shall be automatically terminated at the end of the academic year in which it was established.

(10) Rules for legislation.

- (a) All legislative action shall be in the form of a bill or resolution. A resolution is a formal expression or opinion put before or adopted by the ASG senate. No resolution or bill shall be passed until it has been read at two different regular senate meetings, or this requirement has been dispensed with at least three-quarters majority vote of senate as a whole.
- (b) No action of the senate shall be valid or binding unless adopted by the majority vote of senate as a whole. After a bill or resolution is passed by the senate, it shall then be signed by the presiding officer and given to the president the same day in which it is passed.
- (c) If the president approves such a measure it shall then be signed and returned to the senate chair within seven days and before the next senate meeting from the date of passage. If the bill or resolution is vetoed, the president shall return it to the senate, along with written objections, within seven days and before the next senate meeting from the date of passage. If a bill or resolution is not returned to the senate within the seven days, it shall take effect in the same manner as if the president had signed it.
- (d) If the ASG president has vetoed a bill or resolution, the senate must reconsider it at the next regular meeting. If upon reconsideration, the bill or resolution is approved by a three-fourths majority vote of the senate as a whole, it shall then take place as if it had received the approval of the ASG president.
- (e) After approval of the measure, it must be presented to the university president or the president's designee for final disposition. Final disposition shall take place within thirty working days during the regular academic year. If a thirty-day time line cannot be met, senate shall be notified with

written reasons for such action. Enactment of the measure occurs after receipt of the final approval of the university president or the president's designee.

(f) All impeachment must go through final disposition within seven days of approval. All appointments do not have to go through final disposition but take effect immediately after approval. Approval may be construed as either the ASG president's signature or a senate override of a veto.

(D) House of representatives.

(1) Powers.

The house of representatives (house) has been formed to enable effective communication between registered student organizations and the associated student government, and to allow the forwarding of the desired legislation from the house of representatives to the senate.

(2) Membership.

- (a) The house shall be composed of representatives chosen at the beginning of each academic year, by each registered student organization. This selection shall be by any manner that each individual organization deems appropriate. Each organization must hold one seat and is permitted one vote in the house of representatives.
- (b) To be a representative, he/she must be a student at the university of Akron, and be in good standing with the university and his/her organization as defined in the organization's constitution.

(3) Officers.

(a) The house shall elect a speaker of the house, vice speaker of the house and a secretary, who shall be elected during the last regular meeting of the academic year, according to the membership requirements in article I, section 2, (A, 1).

- (b) The powers and duties of the speaker of the house include, but are not limited to the following:
 - (i) Attend a weekly administrative team meeting,
 - (ii) Appoint standing committee chair persons and vice chair persons,
 - (iii) Manage the general operations of the house,
 - (iv) Preside over house meetings, and
 - (v) Appoint persons to fill any vacancies, which occur in the house leadership with a two-thirds majority vote of those present and voting.

(4) Vacancies.

In the absence of the speaker, the line of succession for presiding over the meeting shall be the vice-speaker and then the secretary.

(5) Meetings.

- (a) The house of representatives will meet as frequently and under such rules as are adopted and set forth in the house bylaws.
- (b) Organizations must have a delegate in attendance at a majority of the house general assembly meetings for the year. Failure to meet this requirement will result in a five per cent reduction in the organization's final extracurricular activities fund (EAF) annual allocations for the following year.

(6) Legislation.

(a) All legislative power of the house shall be exercised by resolutions passed by a two-thirds majority vote of the house members present. Resolutions are sent to a standing committee determined by the house bylaws to be rewritten in bill or resolution form and entered onto senate's formal

- agenda at the next regular senate meeting and acted upon as previously outlined in article 2, section 10.
- (b) If the resolution or bill fails in the senate, the standing committee which introduced the legislation must meet with house leadership to discuss reasons why, and possible amendments to the legislation. This meeting must occur before the next house meeting.

(E) Executive Branch.

(1) Powers.

The executive powers herein granted in article IV shall be vested in the executive branch of associated student government.

(2) President.

- (a) The president shall be the chief executive officer and the official spokesperson for associated student government. The president shall have all powers and duties of an executive or administrative nature under this constitution. These powers and duties include, but are not limited to the following:
 - (i) Preside over weekly administrative team meeting;
 - (ii) Attend senate meetings and submit a report at each of these meetings;
 - (iii) Approve or veto bills or resolutions passed by the senate as previously outlined in article II, section 10:
 - (iv) Submit to the senate, no later than the second regular senate meeting of the academic year, a proposed operating budget and annual goals for associated student government for the current academic year;
 - (v) Serve in person or by his/her designee, as the representative of the undergraduate student body to

- all university boards, committees or commissions to which appointed;
- (vi) Serve a one-year term on the faculty senate concurrent with his/her term as president;
- (vii) Establish executive commissions as he/she deems necessary. Executive commissions must be approved by a two-thirds vote of the senate as a whole:
- (viii) Complete all appointments to all standing executive commissions by the second regular senate meeting of the academic year;
- (ix) Appoint persons to any vacancies in positions of the vice president, student superior court, executive commissions or faculty senate undergraduate seat. All appointments shall be approved by a two-thirds majority vote of senate as a whole;
- (x) Use the month of April to transition the incoming president and vice president by overseeing the transfer of ASG records; and
- (xi) Suspend or remove presidential appointments to executive commissions and the student superior court with the approval of two-thirds majority vote of senate as a whole.

(3) Vice president.

- (a) The vice president shall have the powers, duties, and responsibilities to assist the president in the proper administration of associated student government. The powers and duties of the vice president include, but are not limited to the following:
 - (i) Attend a weekly administrative team meeting;

(ii) Administer and oversee the annual EAF process for undergraduate student organizations, and execute the initial funding recommendations.

(4) Executive commissions.

- (a) All commissions shall be headed by a chair, who shall be appointed by the president. Each commission shall report to the president on a regular basis as determined by the president. A description and objective of each executive commission shall be outlined in the executive bylaws.
- (b) Executive commission members shall serve a term concurrent with the term of the president who appointed them.

(5) Vacancies.

In the case of the permanent vacancy of the president, the vice president shall become the president. In the case of the permanent vacancy of both the president and the vice president, the line of succession will the senate chair, followed by the senate vice chair. In the case of the permanent vacancy of these four officers, the chief student affairs officer shall appoint the president, who will serve until new officers are elected at the next regularly scheduled election.

(F) Judicial branch.

(1) Powers.

The judicial powers of ASG shall be vested in the student superior court and shall extend to all cases arising under this constitution and the acts of the senate, house of representatives, and executive branch.

(2) Membership.

The judicial branch shall be composed of three full justices, two alternate justices and one court clerk.

(3) Appointment of chief justice and superior court members

(a) All justices, including chief justice, are appointed by the president with approval of two thirds majority vote of senate as a whole.

(a) Justices serve as such until they resign, graduate, fail to meet ASG membership requirements or are removed from office.

(4) Chief justice.

- (a) The chief justice shall be chief administrator of the student superior court. Some of the powers and duties include, but are not limited to:
 - (i) Attend a weekly administrative team meeting;
 - (ii) Maintain the general operations of the court;
 - (iii) Submit monthly reports to the ASG president and senate concerning the conduct of the court;
 - (iv) Attend all senate meetings, or his/her designee, to answer any constitutionality questions which may arise in the course of the meeting;
 - (v) Call a special session, at his/her discretion, of student superior court. The chief justice must notify court members involved, concerning the nature of and reason for calling the special session at least forty-eight hours in advance of the meeting;
 - (vi) Appoint a court clerk with a majority vote of the justices as a whole;
 - (vii) Administer the oath of office to the ASG president, vice president, senators, justices and house officers;
 - (viii) Preside over the senate in the event of impeachment proceedings;
 - (ix) Maintain voting rights the same as any other justice on matters facing the court; and

(x) Appoint a full justice to the position of executive justice with a majority vote of court members.

(5) Executive justice.

- (a) The duties and powers of the executive justice include, but are not limited to:
 - (i) Preside over court matters in the absence of the chief justice, and
 - (ii) Assist the chief justice with any and all administrative matters that the chief justice deems necessary.

(6) Student superior court.

- (a) The student superior court will hear any case initiated by undergraduate students. Such cases include, but are not limited to the following:
 - (i) Removal of members from the senate, student superior court, ASG president, vice president, and the faculty senate undergraduate seat;
 - (ii) Cases concerning constitutional questions that include petitions submitted under article I, section 6, A, C and article VII, section 3, A;
 - (iii) Cases concerning grievances involving student(s) v. student(s), organization(s) v. organization(s), or student(s) v. organization(s), unless the case has jurisdiction within another university judicial process (e.g. inter-fraternity judicial board, panhellenic judicial board, residential hall judicial board, university hearing board, etc.); and
 - (iv) Cases concerning charges of violations of ASG election rules.

(7) Grievance requirements.

The student superior court will not begin review of any case until it can be confirmed that the student(s) or organization(s) initiating the grievance has/have provided a written complaint to the chief justice in order to request a hearing in student superior court.

(8) Decision requirements.

No decision shall be made unless a minimum of five justices, comprised of not fewer than three justices and two alternate justices are present.

(9) Meetings.

The student superior court will meet as frequently and under such rules as are adopted and set forth in house bylaws.

(10) Vacancy.

In the absence of the chief justice, the executive justice shall preside over court matters. The most senior full justice shall preside over court matters in the absence of both the chief justice and the executive justice.

(G) Impeachment.

(1) Members governed.

Any ASG member elected or appointed to the office of president, vice president, faculty senate, justice, senator or house officers may be impeached and removed from the office by the authority invested in the ASG senate.

$\frac{(2)}{}$ Duty.

The members of ASG are responsible to ASG and have the duty to recommend to the senate the removal of any individual member of the ASG who is consistently negligent in the performance of his/her duties and responsibilities.

(3) Procedures.

(a) A legislative bill calling for the impeachment and citing specific reasons for such must be presented at a regular meeting of the senate. A two-thirds affirmative majority vote of senate as a whole shall instruct the chief justice whether or not to proceed with an impeachment hearing.

- (b) The impeachment hearing of an ASG member will occur at the next regular senate meeting after the passage of the bill.
- (c) The chief justice shall preside over all impeachment hearings. In the event of the impeachment of the chief justice, the executive justice shall preside over the impeachment hearing.
- (d) Impeachment of an ASG member requires a three quarters affirmative majority vote of senate as a whole.

(4) Double jeopardy.

Except in the case of newly discovered evidence, no official shall be tried more than once for the same offense, nor shall more than one vote for removal be taken in the course of the hearing.

(H) Constitutional review, ratification and amending procedures.

(1) At least each five years, starting at the year 2005, with a majority vote of senate as a whole, the ASG president will appoint a review commission, who shall have the authority to recommend amendments to this ASG constitution to the senate. The commission shall consist of members from each branch.

(2) Ratification.

(a) All recommended changes to the constitution made by the review commission, must be introduced in amendment form by a senator on the commission.

(b) If any amendments are proposed to the senate, the senate shall vote on the changes within fourteen days after their introduction.

- (c) If the proposed amendments are approved, then the amendments will be presented to the students at a reratification election. This election shall be held thirty days after the senate votes on the proposed amendments.
- (d) If the constitution is ratified by a majority of the undergraduate student body members voting in the election, then it shall be forwarded to the president of the university or the president's designee and presented to the board of trustees for their approval.

(3) Amendments.

- (a) Amendments to this constitution may be proposed in the form of a bill or by a petition of at least ten per cent of the undergraduate student body.
 - (i) If proposed in the form of a bill, the amendment(s) shall be placed before the undergraduate student body after a two-thirds majority vote of the senate as a whole.
 - (ii) If proposed in the form of a petition, the amendment(s) shall be placed before the undergraduate student body for a vote after the signatures have been validated.
- (b) Amendments shall be submitted by passage of a bill or petition at least thirty days prior to the election in which it will be voted upon. The proposed amendment must be available to the undergraduate student body, in print, at least one week prior to the election.
- (c) The amendment shall be approved by a majority of the undergraduate students voting.

(d) All amendments to this constitution shall be approved by the president of the university or the president's designee and presented to the board of trustees for their approval.

Replaces: 3359-43-01

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Certification: ______ Secretary Board of Trustees

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