

### **3359-43-01 Constitution.**

#### **(A) Preamble.**

As members of the undergraduate student government (USG), we shall serve as an advocate for undergraduate students to the faculty and administration. We are dedicated to understanding and addressing the needs and interests of the undergraduate community by actively contributing to the overall success of collegians within curricular and co-curricular activities at the university of Akron.

We, the members of USG, shall aim to promote leadership, unity in purpose, and diversity among its members through a unique environment within the university and the community. We shall work towards effective and tangible results; holding ourselves to the highest level of accountability, excellence, professionalism, and integrity as humble, selfless, and caring leaders at the university of Akron.

#### **(B) Introduction.**

##### **(1) Name.**

The official name of this organization shall be the undergraduate student government.

##### **(2) Membership requirements.**

(a) All members shall be undergraduate students enrolled continuously during both 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 must carry at least twelve credit hours, maintain a 2.3 cumulative grade point average, and be in good standing as defined by the university of Akron student judicial affairs.

- (ii) General members of USG must carry at least six credit hours, maintain a 2.0 cumulative grade point average, and be in good standing as defined by the university of Akron student judicial affairs.
    - (iii) Cumulative grade point average requirement is not required of first semester, first-year members.
  - (b) All elected and appointed members of USG, unless otherwise excused, shall be required to attend two 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.
  - (c) Attendance and duties for elected, appointed and general positions shall be outlined in the USG general bylaws.
  - (d) All elected and appointed officials, with the exception of appointments made by executive order, must take the oath of office prior to the start of office. All appointments made by executive order must take an oath of office by the next regularly scheduled judicial branch meeting.
- (3) Administrative team (ad team) officers.
- (a) Officers of ad team shall be the president, vice president, senate chair, vice senate chair, chief justice, and executive justice.
  - (b) Ad team responsibilities shall be outlined in the USG general bylaws.
- (4) Advisors.
- USG shall have an advisor(s). Further requirements and duties shall be outlined in the USG general bylaws.
- (5) Compensation.
- (a) Compensation can be denied after an accountability hearing in the event compensated individuals fail to maintain USG

membership requirements and to maintain the requirements set forth in the following documents:

- (i) USG leadership contract; and the
    - (ii) USG constitution and bylaws.
  - (b) Accountability hearings, coordinated by student affairs and ad team, shall be held twice a semester to determine if compensation is in order, based on the individual's performance and fulfillment of these requirements.
  - (c) No individual may hold more than one compensated position within USG simultaneously. All other accountability hearing stipulations shall be outlined in the USG general bylaws.
- (6) Faculty senate.
- (a) Faculty senate seat elections and stipulations of the faculty senate student representatives shall be outlined in the USG general bylaws congruent with faculty senate bylaws.
- (7) Student organizations.
- (a) By a two-thirds majority vote of USG present and voting as a whole, a special meeting with registered student organizations shall be called regarding campus wide issue(s). Organizations shall be given a minimum of two weeks' notice for a scheduled meeting.
  - (b) Each organization shall be required to send at least one representative to special meetings and shall receive one vote per organization.
- (8) Finances.

There shall be no dues required for membership in USG. USG shall manage its own finances in accordance with the rules and regulations prescribed by the university of Akron. The main

source of funding for this organization shall be the extracurricular activities fund ("EAF").

(9) Nondiscrimination clause.

USG 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 law allows for such exceptions.

(10) Student development clause.

USG shall maintain a current registration form including a list of officers, their addresses, the name of the USG advisor, and the most recently amended constitution within the department of student life.

(11) Rules for organizational procedure.

Ultimate authority is vested within the USG constitution. Subsequent authority shall be vested in the USG general bylaws and the USG election rules, followed by the individual branch bylaws which will be binding with full authority unless an explicit contradiction is found within the constitution. In all other cases, a motion or procedure shall be disposed of in accordance with the procedures outlined in the applicable edition of "Robert's Rules of Order."

(12) Authority/jurisdiction.

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 state law, and federal law. USG shall represent all undergraduate students enrolled at the university of Akron, insofar as specific powers and authority are delegated to such officers and agencies by the provisions found in this constitution.

(C) Legislative branch.

(1) Powers.

The legislative powers herein granted shall be vested in the senate of USG.

(2) Senate membership.

The legislative branch shall be composed of the senate chair, senate vice chair, senators, and USG clerk. The composition and number of seats in the senate shall be defined in the legislative branch bylaws. At least two senate seats shall be reserved for first year students. The term "senate as a whole" shall be defined as the number of filled senate seats.

- (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. The senate chair and the senate vice chair must be from among the incoming senate.

(3) Election of the 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 newly elected incoming senate.

(4) Legislative duties.

- (a) The duties of the senate chair shall include, but are not limited to:
  - (i) Attending ad team meetings.
  - (ii) Appointing standing committee chairs and members. Appointments to these positions do not require the approval of the senate.
  - (iii) Presiding over meetings with committee chairs and representatives. Meetings shall be held at a minimum of biweekly, unless circumstances warrant otherwise.

- (iv) Managing the general operations of the senate.
- (v) Maintaining all records of weekly senate office hours and accountability forms.

(5) Budget and goals.

The senate shall review and vote on the annual operating budget for USG and annual goals that shall be presented by the president at the second regular senate meeting of the academic year. The senate shall vote on the budget and all revisions no later than the third senate meeting.

(6) University recognition of student organizations.

The senate, with the aid of the judicial branch, shall recommend the continuation or denial of university recognition of student organizations, in bill form, upon receiving the necessary documentation as outlined by ~~student engagement and success~~ student affairs. Recommendations for the continuation or denial of recognition of any undergraduate student organization shall be made to the university president or a designated representative.

(7) Legislation.

- (a) All legislative action shall be in the form of a bill or resolution and require two senate sponsors. A resolution is a formal expression of opinion put before or adopted by the USG 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 by at least a three-quarters majority vote of senate present and voting as a whole. All legislation shall require a rationale from the sponsor(s), justifying the reasons for the piece of legislation.
- (b) No action of the senate shall be valid or binding unless adopted by the majority vote of senate present and voting as a whole. After the senate passes a bill or resolution, it shall then be signed by the presiding officer and given to

the president within twenty-four hours after the time 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 five business days following the date of passage. If the bill or resolution is vetoed, the president shall return it to the senate, along with written objections, within five business days following the date of passage. If a bill or resolution is not returned to the senate within the five business days, it shall take effect in the same manner as if the president had signed it. If the USG 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 present and voting as a whole, it shall then take place as if it had received the approval of the USG president.
- (d) After approval of the measure, it must be presented to the vice president ~~of student engagement and success for student affairs~~ for student affairs for review within a timely manner. Following the approval of the vice president ~~of student engagement and success for student affairs~~, the legislation must be presented to the university president, or the president's designee, for final disposition within a reasonable time period as mutually agreed upon.
  - (i) All impeachments must be finalized within seven days of approval. Approval may be construed as either the USG president's signature or a senate override of a veto.
  - (ii) All appointments do not have to go through final disposition but take effect immediately after approval. Approval may be construed as either the USG president's signature or a senate override of a veto.
- (e) Only the university president or president's designee shall have the authority to send final approved legislation to the board of trustees. Examples of legislation that may be

forwarded include, but are not limited to legislation having campus wide implications and all encompassing facility usage. If any legislation is not approved by the board of trustees, USG ad team members shall meet with the vice president ~~of student engagement and success~~ for student affairs or his or her designee to discuss the proposed legislation.

(D) Executive branch.

(1) Powers.

The executive powers herein granted shall be vested in the executive branch of USG.

(2) Executive branch membership.

The executive branch shall be composed of the president, vice president, and the executive cabinet. Additional executive branch positions shall be outlined in the executive bylaws.

(3) Executive officer duties.

(a) The president shall be the chief executive officer and the official spokesperson for the USG. These powers and duties include, but are not limited to the following:

- (i) Presiding over ad team meetings.
- (ii) Attending all senate meetings and submitting an activity report at all senate meetings.
- (iii) Approving or vetoing bills or resolutions passed by the senate as previously outlined in paragraph (C)(7) of this rule.
- (iv) Serving in person or by his or her designee, as the representative of the undergraduate student body to all university boards, committees, or commissions to which he or she may be appointed.

- (b) Further descriptions of executive officer duties shall be outlined in the executive bylaws.
- (4) Undergraduate student organization funding.
  - (a) USG shall determine the undergraduate student organization funding policy as outlined in the USG general bylaws.
- (5) Executive orders.
  - (a) The president shall have the authority to write executive orders, which are directives issued by the president in order to respond to issues requiring a prompt or immediate response and which are effective immediately upon their issuance. At the time of issuance, the president shall provide a rationale and justification for the executive order. All presidential appointments shall be written as executive orders.
  - (b) For an executive order to continue in effect, it must be approved by the senate at the next senate meeting following its issuance. All executive orders approved by the senate to continue in effect shall be approved by a majority of the senate present and voting as a whole. Such orders only need to be read at one senate meeting before being voted upon.
- (E) Judicial branch.
  - (1) Powers.

The judicial powers of USG shall be vested in the judicial branch and shall extend to all cases arising under this constitution and the acts of the senate and executive branch.
  - (2) Judicial membership.

The judicial branch shall be composed of the chief justice, executive justice and justices. The number of justice seats shall be defined in the judicial bylaws.

(3) Judicial duties.

- (a) The chief justice shall be the chief administrator of the judicial branch. The powers and duties of the chief justice include, but are not limited to:
  - (i) Submitting weekly activity reports to the president and senate concerning the conduct of the court at all senate meetings.
  - (ii) Attending all senate meetings to address any constitution, bylaw, or parliamentary questions, that may arise in the course of the meeting when called upon by the senate chair for assistance.
  - (iii) Calling a special session, at his or her discretion, of the judicial branch. The chief justice must notify involved branch members of the nature of and reason for the special session at least forty-eight hours in advance of the meeting.
- (b) Further descriptions of judicial office duties shall be outlined in the judicial bylaws.

(4) Cases and hearings.

- (a) The chief justice, or the executive justice when designated by the chief justice, shall preside over and conduct all judicial branch cases.
- (b) The judicial branch shall hear any case initiated by undergraduate students. Such cases include, but are not limited to the following:
  - (i) The removal of elected and appointed members of USG.
  - (ii) Constitutional questions that include petitions submitted under paragraphs (H)(4) and (J)(2)(a) this rule.

- (iii) Constitutional or bylaw questions, including, but not limited to, all legislation and executive orders.
- (iv) Grievances involving non-academic university complaints, unless the case has jurisdiction within another university process. Grievance cases shall be outlined in the judicial bylaws.
- (v) Undergraduate students' university parking citations, as requested by and at the discretion of the university of Akron.

(F) Term limits.

- (1) General members shall serve a term of one fiscal year until resignation or failure to meet USG membership requirements. Those who express interest in participating the following fiscal year shall follow the procedures outlined in the USG general bylaws.
- (2) Justices shall serve a term until resignation, graduation, failure to meet USG membership requirements, or are impeached from office.
- (3) The term of the office of the president shall be from the time of oath of office at the last senate meeting of the spring semester until the last senate meeting of the following spring semester.
- (4) All appointments made to the executive branch and the office of vice president, chief justice, and executive justice shall serve a term concurrent with that of the office of the president.
- (5) Senators shall serve a term concurrent with that of the office of the president, with the exception of senators serving two congruent terms.

(G) Appointments.

- (1) All appointments must follow the hiring procedures as outlined in the USG bylaws.

(2) Appointments to the legislative branch.

- (a) The senate shall vote on appointment legislation written by the senate chair to the legislative branch. All such legislation shall require a two-thirds majority vote of senate, present and voting as a whole, for approval.
- (b) In the absence of the senate chair, the temporary line of succession for presiding over the senate meetings shall be the senate vice chair, followed by the senior-most member on the senate, based on the start of service in office.
- (c) Any person temporarily filling the duties of senate chair shall have suspended appointment powers. If a permanent vacancy occurs in the position of senate chair, a new senate chair shall be elected at the next senate meeting to finish the term.

(3) Appointment to the executive branch.

- (a) In the case of a permanent vacancy in the office of the president, the vice president shall be the successor to the president. In the case of a permanent vacancy in both the positions of president and vice president, the temporary line of succession shall be the senate chair followed by the vice senate chair followed by the most senior senate member until a special election can occur.
- (b) The president has the power to appoint individuals to vacancies in the executive branch.
- (c) The senate shall vote on appointments to the executive branch through executive orders by a two-thirds majority vote of the senate present and voting as a whole with the exception of an appointment written through executive order without the need for a senate vote.
- (d) The president shall have the power to establish, suspend or remove executive committees through executive orders by

a two-thirds majority vote of senate present and voting as a whole.

(4) Appointments to judicial branch.

- (a) The chief justice shall be appointed from among the current serving justices by the president and a two-thirds majority vote of senate present and voting as a whole.
- (b) In the case of a permanent vacancy in the office of the chief justice, the executive justice shall serve the remainder of the chief justice's term.
- (c) The chief justice shall recommend individuals to the president for all unfilled justice seats.
- (d) The chief justice shall appoint a justice to the position of executive justice with the president's approval.
- (e) The senate shall vote on appointments to the student supreme court through executive orders proposed by the president by a two-thirds majority vote of senate present and voting as a whole.

(H) Elections.

- (1) USG shall hold both general and first-year elections.
- (2) All election stipulations and rules shall be outlined in the USG election rules.
- (3) Referendum.
  - (a) Any legislation considered by USG may, by a two-thirds majority vote of senate present and voting as a whole, be referred to the undergraduate student body for a vote.
    - (i) All information regarding this legislation must be distributed to the voting population at least one week prior to this election.

- (ii) At least two-thirds of the number of students voting in the most recent general election must participate to validate the election. The USG secretary shall keep all voting records from the previous elections.
- (iii) Passage of the referendum shall require a two-thirds majority vote of those students voting in that special election. This election shall take place as expeditiously as possible.

(4) Recall.

- (a) Any elected member of USG may be subject to a recall vote with a petition containing signatures of at least twenty-five percent of the number of students voting in the most recent general election. The USG secretary shall keep all voting records from the previous elections.
- (b) All information regarding this recall must be distributed to the voting population at least one week prior to this election.
- (c) The member shall be considered removed from office if the number of votes cast in favor of removal is equal to a majority of the total number of votes cast in the recall election.
- (d) Upon this removal, the office shall be deemed vacant and shall be filled by the procedures outlined in paragraph (G) of this rule as applicable.

(I) Impeachment.

(1) Members governed.

Any USG member elected or appointed to the office of president, vice president, justice, or senator may be impeached and removed from the office by the authority vested in the USG senate and president.

(2) Duty.

The members of USG have the duty to recommend to the senate the removal of any of the above listed positions of USG who is consistently negligent in the performance of his or her duties and responsibilities.

(3) Procedures.

- (a) A bill calling for the impeachment and citing specific reasons for such must be presented at a regular meeting of the senate. A two-thirds majority vote of senate present and voting as a whole shall instruct the chief justice whether or not to proceed with an impeachment hearing.
- (b) The impeachment hearing of a USG member shall occur at the next regular senate meeting after the passage of the bill. 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.
- (c) Impeachment of a USG member requires a three-quarters majority vote of senate present and voting as a whole.
- (d) 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.

(J) Governing document review, ratification, and amendment procedures.

(1) Review and ratification of the constitution.

- (a) At least every five years, starting at the year 2010, upon a majority vote of senate present and voting as a whole, the senate shall direct the USG president to appoint a review commission, which shall have the authority to recommend amendments to this constitution to the senate. The

commission shall consist of members from each branch of USG.

- (b) Any senator on the commission may introduce, in amendment form, all constitutional changes proposed by the review commission. If any amendments are proposed, the senate shall vote on the changes within fourteen days after their introduction.
- (c) If the proposed amendments are approved by a majority of senate present and voting as a whole, then the amendments shall be presented to the students at a re-ratification election. This election shall be held within thirty days after the senate votes on the proposed amendments. The proposed amendment must be available to the undergraduate student body, in print, at least one week prior to the election.
- (d) If the constitution is ratified by a majority of the undergraduate student body members voting in the election, it shall be forwarded, presented, and reviewed in a reasonable time mutually agreed upon by the USG ad team and the following individuals or bodies in the order listed:
  - (i) Vice president of ~~student engagement and success~~ for student affairs, or his or her designee;
  - (ii) President of the university, or the president's designee; and the
  - (iii) Board of trustees.

(2) Amendments to the constitution.

- (a) Amendments to this constitution may be proposed, prior to the time line established in paragraph (J)(1)(a) of this rule, in the form of a bill or by a petition signed by at least ten percent of the undergraduate student body.
  - (i) If proposed in the form of a bill, the amendment(s) shall be placed for vote before the undergraduate

student body after a two-thirds majority vote of the senate present and voting as a whole.

- (ii) If proposed in the form of a petition, the amendment(s) shall be placed for vote before the undergraduate student body after the USG secretary has validated the signatures.
- (b) The senate shall submit amendments proposed by passage of a bill or petition in a timely manner prior to the election in which it shall be voted upon. The proposed amendment(s) must be available to the undergraduate student body, in print, at least one week prior to the election.
- (c) If the amendments are approved by a majority of the undergraduate student body members voting in the election, they shall be forwarded, presented, and reviewed in a reasonable time to be mutually agreed upon by the USG ad team and the following individuals in the order listed:
  - (i) Vice president of ~~student engagement and success~~ for student affairs, or his or her designee;
  - (ii) President of the university, or the president's designee; and the
  - (iii) Board of trustees.
- (3) Amendments to the bylaws.
  - (a) Each branch's section of the bylaws shall be reviewed and approved at or before the second regular branch meeting of the academic year by a majority vote of the branch present and voting as a whole. All branch bylaw amendments must pass with a two-thirds majority vote of their respective branch present and voting as a whole.
  - (b) General bylaws not covered within branches shall be reviewed and approved by the second regular senate meeting of the academic year by a majority vote of all

members of USG present and voting as a whole. All USG bylaw amendments must pass with a two-thirds majority vote by all members of USG present and voting as a whole.

- (4) Amendments to the election rules.
  - (a) Election rules shall be reviewed and voted on at the regular scheduled senate meetings prior to the start of the election cycle.
  - (b) All election rules must pass with a two-thirds vote of USG membership present and voting as a whole.
  - (c) Amendments and additions to the election rules cannot occur during the election cycle until all appeals have been heard and been ruled on.

Effective: ~~November 12, 2011~~

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Prom. Under: 111.15

Stat. Auth.: 3359.01

Rule Amp.: 3359.01

Prior Effective Date: 04/01/93, 08/05/99, 2/12/05, 11/12/11

○